

Extra Ordinary Part - V / 2020

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| Extra No.24 | 18-09-2020 | Legislative & Parliamentary Affairs Department |
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The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

The Following Bill Which was introduced on the 27th February, 2020 by Shri Imran Khedawala M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 1 OF 2020.

THE GUJARAT EMPLOYMENT GUARANTEE BILL, 2020.

A BILL

to make effective provision for securing the right to work by guaranteeing employment to all persons who volunteer to do skill or unskilled work in the State of Gujarat.

It is hereby enacted in the Seventy First year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Employment Guarantee Act, 2020.

Short title,
extent and
commencement

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions

(a) "adult person" means a person who has attained the age of eighteen years;

(b) "the Committee" means the District Employment Guarantee Committee constituted under section 5;

- (c) "the Controller" means the Controller of Unemployment appointed under section 6-;
- (d) "the Council" means the Gujarat State Employment Guarantee Council constituted under section 4;
- (e) "implementing agency" includes any department of the State Government, local body or the State Government undertaking which is entrusted by the State Government with the task of implementing any works taken up under the scheme.
- (f) "implementing officer" means the officer appointed by the implementing agency in consultation with the Controller to perform any of the powers or the duties of the implementing agency ;
- (g) "local areas" means the area falling within the jurisdiction of a local body;
- (h) "local body" means a municipal corporation, a municipality, a panchayat or a cantonment established under any law for the time being in force;
- (i) "prescribed" means prescribed by rules made under this Act;
- (j) "scheme" means the Employment Guarantee Scheme prepared and published under section 7 for the time being in force.

Guarantee
of
employment
to audit
persons

3. Every adult person in the State of Gujarat shall have a right to work, that is, a right to get guaranteed employment for doing skilled or unskilled work, as the case may be, and to receive wages therefore in accordance with provisions of this Act and the scheme made thereunder.

Explanation.—A work shall be regarded as unskilled, if any adult person, without any special training, can normally be expected to do it and which, is so classified in the Scheme.

State Council
and its
functions

4. (1) For the purposes of having a periodical review and supervision of the implementation of this Act, there shall be a Council to be called the Gujarat State Employment Guarantee Council. The State Government shall appoint the Chairman and other members of the. Council. The number of other members of the Council shall not exceed thirty one, of whom at least, three members shall be appointed from members belonging to the Scheduled Castes, three members from the Scheduled Tribes and three members from women.

(2) The other function of the Council shall be to advise the State Government on all matters concerning this Act and the scheme and their implementation.

(3) The Council shall be competent to undertake an evaluation of the scheme and for this purpose collect or cause to be collected statistics pertaining to the economy of Gujarat in general and the socio-economic conditions of the people, and the implementation of the scheme in particular.

(4) It shall also be competent for the Council to recommend to the State Government the appointment of one or more Study Groups for undertaking a study of specific questions and problems connected with the implementation of this Act and the scheme.

(5) The, Council shall co-ordinate the working of the district employment guarantee committees.

5. (1) The State Government shall constitute a District Employment Guarantee Committee in every district. Each Committee shall consist of *ex-officio* and nominated members by the State Government as under:—

Committees
and their
functions.

(A) *Ex-officio members*

- (i) A Commissioner of Municipal Corporation, if any, in the district;
- (ii) Presidents of municipalities in the district;
- (iii) President and Vice-President of the District Panchayat;
- (iv) Presidents of Taluka Panchayats in the district;
- (v) Collector of the district

(B) *Nominated members*

- (i) Three members to be nominated from persons associated with Small Scale Industries in the district;
- (ii) two members to be nominated who, in the opinion of the State Government are expert in industrial management;
- (iii) two members from the labour leaders;
- (iv) two members from any registered union of the agricultural labourers;
- (v) two members from Adivasis, if the area is predominantly the area of Adivasi;
- (vi) two members from the persons belonging to backward classes;
- (vii) two members from the women.

(2) The term of nominated members shall be of three years.

(3) The Chairman of every such Committee shall be appointed from the non-official members thereof.

(4) This Committee shall, within their respective jurisdiction supervise and review the implementation of the scheme from time to time and shall suggest to the State Government and the Council such steps as in their opinion, are necessary for the more effective implementation of this Act.

(5) The Committee shall co-ordinate the working of the implementing agencies in the district.

6. (1) The Government shall appoint a Controller of Employment for every district.

Controller of
employment
and his
functions.

(2) The Controller shall be responsible for the implementation of the provisions of this Act and for this purpose all other officers of the State Government and the local bodies in the district shall be responsible to the Controller;

Preparation
and
publication of
scheme

7. (1) For the purpose of giving effect to the Employment Guarantee scheme as mentioned in section 3, the State Government shall prepare and publish scheme for providing employment to all adult persons who volunteer to do skilled or unskilled work, subject to the conditions laid down by or under this Act or in the scheme.

(2) Every Controller shall be asked to prepare blue print of the works to be taken up under the scheme in the; district

(3) The Controller shall place the blue print for approval before the Committee which shall give its approval after taking into consideration the views of the implementing agencies in the district

(4) the scheme shall be prepared and published in such manner and contain such details as may be prescribed.

Registration.

8. The Controller shall constitute Registering Authorities in the district for registration of name and addresses of unemployed persons who volunteer to work. The places of registration of names shall be within the proximity of 10 kms. of every person. The registering authorities shall function in such manner as may be prescribed.

Conditions
applicable for
guaranteed
employment
to able
bodied
persons.

9. (1) Every unemployed adult person who is residing in any local area within the State and willing to do any skilled or unskilled work may get his name and address registered with an authority constituted under Section 8. The registering authority shall register the name and address of such persons after making such inquiry as it deems fit. The registration shall be for such period as may be fixed by the State Government and may be renewed from time to time. The registering authority, if satisfied, that any person has got himself registered by making a false declaration of his age, may after giving reasonable opportunity to the person concerned of being heard, delete his name from the register.

(2) Where there is no able bodied adult member in a family, a minor member of such family who has attained the age of 15 years shall be deemed to be an adult person for the purposes of this Act and shall be entitled to get registered his name and address with the registering authority and shall be entitled to get work or unemployment allowance in lieu thereof

Explanation.—For the purpose of this sub-section the expression 'family' means a husband, wife, father, mother, brother, sister, son and daughter residing together.

(3) Every registered person shall be entitled to be provided with employment within fifteen days from the date of registration. The employment to be provided shall be, as far as possible, within the local area in which he resides, and it shall be suitable to him looking to his educational qualifications, experience and physical condition.

(4) If within fifteen days from the date of registration of a person the State Government is unable to provide employment to him, he shall be entitled to receive from the Employment Guarantee Fund an unemployment allowance from the date of expiry of 15 days, at the rate of Rs. 45/- per day. The unemployment allowance shall be paid until any work is provided to him or till he refuses to do any work offered to him.

(5) The unemployment allowance to be paid to an unemployed person duly registered under sub-section (1) or (2) shall be sanctioned and paid by the authority empowered by the State Government in this behalf and for this purpose the State Government may prescribe such procedure as it deems fit.

(6) No person shall be entitled to any unemployment allowance under this Act if he does not accept employment provided to him or does not report for work within 7 days of being asked to do so or continuously remains absent from work without permission of the implementing officer for a continuous period of more than a week or remains absent from work for a total period of one week in any month.

10. (1) The State Government shall fix implementing agencies in every district in such manner as may be prescribed.

**Implementation
of the scheme.**

(2) The works sanctioned by the State Government under the scheme, prepared and published in accordance with section 7 for the district shall be distributed by the Controller among different implementing agencies in the district.

(3) Each implementing agency shall appoint implementing officers in consultation with the Controller for carrying out works entrusted to it and for performing such other functions as may be assigned to him by the implementing agency.

(4) The implementing officer shall, from time to time, obtain list of persons from the nearby registering authority for engaging them on the works to be carried out by the implementing agency.

(5) It shall be open for the implementing officer to direct, any unskilled person who volunteers for employment to do any type of manual work and to transfer him from one work to another.

11. (1) The wages shall be paid according to the schedule of rates as may be prescribed from time to time.

Wages

(2) The rate shall be directly linked with the quality and quantity of work and as far as possible shall be equal to the rates of Wages given to similar workers in other industry or employment.

(3) For unskilled workers the rates shall be so fixed that a person working diligently for eight hours a day would normally get a total wage equal to the minimum wage prescribed, for agricultural labourer in the State, from time to time.

12. Any person,—

Penalty

(a) who is in employment but gets his name registered under sub-section (1) or (2) of section 9 and draws unemployment allowance under sub-section (4) of that section, or

(b) who is in receipt of unemployment allowance under subsection (4) of section 9 and accepts employment elsewhere but does not bring this fact to the notice of the registering authority concerned, and continues to draw unemployment allowance., shall on conviction, be punished with fine, upto twice the amount of unemployment allowance drawn in contravention of the provision of this Act.

Establishment
of employment
guarantee
fund.

13. (I) On the date of commencement of this Act, the State Government shall constitute Fund to be called the Employment Gurantee Fund.

(2) There shall be credited in the Employment Gurantee Fund constituted under sub-section (1),—

(a) the entire amount of tax on professions, trades, callings and employments received during the previous financial year;

(b) any contributions or grants made by the State Government, Central Government or any local body;

(c) any sums received from other bodies or individuals whether incorporated or not.

(3) The amount standing to the credit of the Fund shall be expended in such manner and subject to such condition as may be prescribed for the purpose of implementing the scheme.

Delegation of
powers.

14. The State Government may, by notification in the *Official Gazette*, direct that the powers exercisable by it under this Act except the power to make the scheme and the rules, shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercisable also by such, officer or officers subordinate to it as may be, specified in the notification.

Protection of
action taken in
good faith

15. (I) No suit, prosecution or other legal proceeding shall lie against the State Government or any authority or officer or body or person for anything which is in good faith done or omitted to be done in pursuance of this Act or the scheme or the rules made thereunder.

Power to
make rules

16. (I) The State Government may, by notification, in the *Official Gazette*, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules, may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.

(3) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

STATEMENT OF OBJECTS AND REASONS

The Government of West Bengal and Kerala have enacted legislations entitling unemployed persons to get unemployment allowance. The Government of Maharashtra has also taken steps in this direction. Even countries like U.S.A. and Britain have made provisions for giving unemployment allowance to unemployed persons. In socialist countries, the right to work has been recognised as one of the Fundamental Rights. In our Constitution, under Article 41 it has been *inter alia*, directed to make effective provision for securing the right to work in cases of unemployment. In the preamble of the Constitution also the word "Socialist" has been given place. Even Seventy One years after Independence the army of unemployed skilled and unskilled persons is over increasing. This situation spreads unrest in the minds of unemployed person like fire, and also mars the development of a person.

It is now high time that in the interest of social justice, the Government should take some positive and effective steps immediately to end this monstrous situation of unemployment. It is the need of the hour that no person should remain without food at the end of the day. No ornamental schemes are going to pacify the hungry person.

The demand of the hour is "Give employment to all adult persons or if unable to give employment, give unemployment allowance". Hence this Bill.

Gandhinagar

Dated the 24th January, 2020

IMRAN KHEDAWALA,
M.L.A.

FINANCIAL MEMORANDUM

Clause 13.—Sub-clause (1) provides for establishment and maintenance of Employment Guarantee Fund

Sub-clause (2) provides for payment of an amount from the tax on professions, trades, callings and employments received during the previous financial year and any contribution or grants made by the State Government in the Employment Guarantee Fund.

These provisions involve expenditure from the Consolidated Fund of the State. As the exact involvement of the expenditure to be incurred by the State Government is difficult to assess, an estimate of recurring or nonrecurring expenditure is not possible.

Gandhinagar

Dated the 24th January, 2020

IMRAN KHEDAWALA,
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of powers of legislative nature in the following respects, namely:—

Clause 4.—Sub-clause (1) of this clause empowers the State Government to appoint Chairman and members of the State Employment Guarantee Council.

Clause 5.—Sub-clause (1) of this clause empowers the State Government to constitute a District Employment Guarantee Committee in every District.

Clause 6.—Sub-clause (1) of this clause empowers the State Government to appoint a Controller of Employment.

Clause 7.— (i) Sub-clause (1) of this clause empowers the State Government to prepare and publish a scheme providing employment to all adult persons;

(ii) Sub-clause (4) of this clause empowers the State Government to prescribe the manner in which the scheme shall be prepared;

Clause 8. — This clause empowers the State Government to prescribe the manners in which the Registering Authority shall function.

Sub-clause (5) of clause 9 empowers the State Government to prescribe the authority and the procedure for sanctioning and payment of unemployment allowance.

Clause 10.—Sub-clause (1) of this clause empowers the State Government to fix the implementing agencies and to prescribe the manner in which such agencies shall be fixed.

Clause 11.—Sub-clause (1) of this clause empowers the State Government to prescribe the rates of wages.

Clause 13.—Sub-clause (3) empowers the State Government to prescribe the manners and conditions which the amount standing to the credit of the fund shall be expended.

Clause 14.—This clause empowers the State Government to delegate its powers to the officers subordinate to it.

Clause 16.—This clause empowers the State Government to make rules to carry out the purposes of the Act.

The delegation of power as aforesaid is necessary and of normal character.

Gandhinagar

Dated the 24th January, 2020

IMRAN KHEDAWALA,

M.L.A.

Gandhinagar.

Dated the 27th February, 2020

D. M. PATEL,

Secretary,

Gujarat Legislative Assembly.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The Following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT (SUPPLEMENTARY) APPROPRIATION BILL, 2020.

GUJARAT BILL NO. 2 OF 2020.

A BILL

to authorize payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the Services of the financial year ending on the thirty-first day of March, 2020.

It is hereby enacted in the Seventy-First year of the Republic of India as follows:-

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 2020. Short title.

Issue of
₹ 94, 56, 21, 60, 000,
from and out of the
Consolidated Fund
of the State of
Gujarat for the
financial year
2019-2020.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum Nine thousand four hundred fifty-Six crore twenty-one lakh sixty thousands rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2020, in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation.

3. The sums authorized to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE

(See sections 2 and 3)

| Demand No. of Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|--|--|---------------------|--------------------|-------------------------------------|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 1 | Agriculture and Co-operation Department | Revenue | 11961000 | 0 | 11961000 |
| 2 | Agriculture | Revenue | 10068931000 | 0 | 10068931000 |
| 4 | Animal Husbandry and Dairy Development | Revenue | 0 | 2350000 | 2350000 |
| 9 | Education | Revenue | 19484764000 | 5000000 | 19489764000 |
| 10 | Other expenditure pertaining to Education Department | Revenue | 306000 | 0 | 306000 |
| 13 | Energy Projects | Revenue | 4539401000 | 0 | 4539401000 |
| | | Capital | 1000 | 0 | 1000 |
| 14 | Other expenditure pertaining to Energy and Petro-Chemicals Department | Revenue | 2390000 | 0 | 2390000 |
| 18 | Pension and other Retirement Benefits. | Revenue | 0 | 20000000 | 20000000 |
| 19 | Other expenditure pertaining to Finance Department | Capital | 823000 | 0 | 823000 |
| 20 | Repayment of debt pertaining to Finance Department and its servicing | Revenue | 0 | 7965855000 | 7965855000 |
| | | Capital | 0 | 637523000 | 637523000 |
| 26 | Forest | Revenue | 1000 | 3469000 | 3470000 |
| 27 | Environment | Revenue | 43659000 | 0 | 43659000 |
| 29 | Governor | Revenue | 0 | 1000 | 1000 |
| 30 | Council of Ministers | Revenue | 19260000 | 0 | 19260000 |
| 31 | Election | Revenue | 1000 | 0 | 1000 |
| | | Capital | 110299000 | 0 | 110299000 |
| 32 | Public Service Commission | Revenue | 27441000 | 77855000 | 105296000 |
| 34 | Economic Advice and Statistics | Revenue | 15239000 | 0 | 15239000 |
| 35 | Other expenditure pertaining to General Administration Department | Capital | 15416000 | 0 | 15416000 |
| 36 | State Legislature | Revenue | 16891000 | 0 | 16891000 |

| Demand No. of Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|--|---|---------------------|--------------------|-------------------------------------|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 39 | Medical and Public Health | Revenue | 1399674000 | 0 | 1399674000 |
| 40 | Family Welfare | Revenue | 678637000 | 0 | 678637000 |
| | | Capital | 49900000 | 0 | 49900000 |
| 41 | Other expenditure pertaining to Health and Family Welfare Department | Capital | 1000000 | 0 | 1000000 |
| 43 | Police | Revenue | 4978000 | 0 | 4978000 |
| 46 | Other expenditure pertaining to Home Department | Revenue | 0 | 788000 | 788000 |
| 49 | Industries | Revenue | 6844960000 | 0 | 6844960000 |
| 50 | Mines and Minerals | Revenue | 1176842000 | 500000 | 1177342000 |
| 55 | Other expenditure pertaining to Information and Broadcasting Department | Revenue | 37413000 | 151000 | 37564000 |
| 58 | Other expenditure pertaining to Labour and Employment Department | Capital | 293000 | 0 | 293000 |
| 59 | Legal Department | Revenue | 1000 | 0 | 1000 |
| 60 | Administration of Justice | Revenue | 2000 | 1000 | 3000 |
| 66 | Irrigation and Soil Conservation | Revenue | 0 | 32580000 | 32580000 |
| | | Capital | 0 | 800000000 | 800000000 |
| 68 | Other expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department | Revenue | 0 | 900000000 | 900000000 |
| 71 | Rural Housing and Rural Development | Capital | 25777000 | 0 | 25777000 |
| 74 | Transport | Revenue | 0 | 1253000 | 1253000 |
| 75 | Other expenditure pertaining to Ports and Transport Department | Revenue | 112408000 | 3558000 | 115966000 |
| 79 | Relief on account of Natural Calamities | Revenue | 24808773000 | 0 | 24808773000 |
| 81 | Compensation and Assignments | Revenue | 300000 | 491000 | 791000 |
| 82 | Other expenditure pertaining to Revenue Department | Revenue | 12400000 | 0 | 12400000 |

| Demand No. of Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sums not exceeding | | |
|--|--|---------------------|--------------------|-------------------------------------|--------------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 84 | Non-Residential Buildings | Revenue | 0 | 1000 | 1000 |
| | | Capital | 0 | 137000 | 137000 |
| 86 | Roads and Bridges | Revenue | 0 | 118640000 | 118640000 |
| | | Capital | 1986299000 | 170000000 | 2156299000 |
| 88 | Other expenditure pertaining to Roads and Buildings Department | Revenue | 18401000 | 1600000000 | 1618401000 |
| | | Capital | 0 | 107514000 | 107514000 |
| 95 | Scheduled Castes sub-plan | Revenue | 4000 | 0 | 4000 |
| 96 | Tribal Area sub-plan | Revenue | 2000 | 0 | 2000 |
| | | Capital | 2000 | 0 | 2000 |
| 98 | Youth Services and Cultural Activities | Revenue | 1000 | 0 | 1000 |
| 101 | Urban Housing | Revenue | 0 | 79920000 | 79920000 |
| 102 | Urban Development | Revenue | 10194401000 | 0 | 10194401000 |
| 104 | Other expenditure pertaining to Urban Development and Urban Housing Department | Revenue | 450000 | 0 | 450000 |
| 106 | Other expenditure pertaining to Women and Child Development Department | Revenue | 1000 | 0 | 1000 |
| | | Capital | 324004000 | 0 | 324004000 |
| 107 | Climate Change Department | Revenue | 866000 | 0 | 866000 |
| | Total: | Revenue | 79520759000 | 10812413000 | 90333172000 |
| | | Capital | 2513814000 | 1715174000 | 4228988000 |
| | Grand Total: | | 82034573000 | 12527587000 | 94562160000 |

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 204 of the Constitution of India read with article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the supplementary expenditure on certain services and purposes in relation to the financial year ending on the thirty-first day of March, 2020.

The amounts are shown below :- ₹

(a) Revenue Expenditure 90,33,31,72,000/-

(b) Capital Expenditure 4,22,89,88,000/-

Total :- 94,56,21,60,000/-

Gandhinagar,

Dated the 3rd March, 2020.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar.

Dated the 3rd March, 2020

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



सत्यमेव जयते



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EXTRAORDINARY

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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE LABOUR LAWS (GUJARAT AMENDMENT) BILL, 2020.

GUJARAT BILL NO. 3 OF 2020.

A BILL

further to amend the Industrial Disputes Act, 1947 and the Factories Act, 1948 in their application to the State of Gujarat.

It is hereby enacted in the Seventy-First Year of the Republic of India as follows:-

1. (1) This Act may be called the Labour Laws (Gujarat Amendment) Act, 2020.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

| | | |
|--|---|---------------------------|
| Amendment of section 25K of XIV of 1947. | <p>2. In the Industrial Disputes Act, 1947 (hereinafter referred to as “the Industrial Disputes Act”), in section 25K,-</p> <p>(i) in sub-section (1), for the words “one hundred”, the words “three hundred” shall be substituted;</p> <p>(ii) after sub-section (1), the following sub-section shall be inserted, namely:-</p> <p>“(1A) Without prejudice to the provisions of sub-section (1), the State Government may, if satisfied that the maintenance of industrial peace or prevention of victimization of workmen so requires, by notification in the <i>Official Gazette</i>, apply the provision of this Chapter to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which such number of workmen which may be less than three hundred but not less than one hundred, as may be specified in the notification, were employed on an average per working day for the preceding twelve months.”.</p> | XIV of 1947. |
| Amendment of section 25N of XIV of 1947. | <p>3. In the Industrial Disputes Act, in section 25N,-</p> <p>(i) in sub-section (1), in clause (a), the words “or the workman has been paid in lieu of such notice, wages for the period of the notice” shall be deleted;</p> <p>(ii) in sub-section (9), the words “and an amount equivalent to his last three months average pay” shall be added at the end.</p> | |
| Amendment of section 25-O of XIV of 1947. | <p>4. In the Industrial Disputes Act, in section 25-O, in sub-section (8), the words “and an amount equivalent to his last three months average pay” shall be added at the end.</p> | |
| Amendment of section 2 of LXIII of 1948. | <p>5. In the Factories Act, 1948 (hereinafter referred to as “the Factories Act”), in section 2, in clause (m),-</p> <p>(i) in sub-clause (i), for the word “ten”, the word “twenty” shall be substituted;</p> <p>(ii) in sub-clause (ii), for the word “twenty”, the word “forty” shall be substituted.</p> | LXIII of 1948. |

6. In the Factories Act, in section 85, in sub-section (1), in clause (i), for the words “ten” and “twenty”, the words “twenty” and “forty” shall be substituted, respectively.

**Amendment
of section 85
of LXIII of
1948.**

7. In the Factories Act, after section 106A, the following section shall be inserted, namely:-

**Insertion of
new section
106B in LXIII
of 1948.**

**Compounding
of offences.**

“**106B.** The State Government may, by notification in the *Official Gazette*, specify such offences, which shall be compounded by such officer or authority for such amount as may be specified in the said notification:

Provided that such amount shall not exceed the maximum amount of fine fixed for the offence:

Provided further that where the offence is so compounded—

- (a) before the institution of the prosecution, the offender shall not be liable to prosecution, for such offence;
- (b) after the institution of the prosecution, the compounding shall amount to acquittal of the offender.

STATEMENT OF OBJECTS AND REASONS

Since its inception, Gujarat has been an industrially progressive State. However, in the last decade, it has become an industrial hub and growth engine of the country. There have been cordial relations between the industry and the workers and there have been hardly any occasions of strikes or lock-outs. More and more industries are being established in Gujarat and therefore, the State Government has considered it necessary to strike the balance of interests between the industries and the workers and create an environment which is conducive to both, the industry and the workers. Industry and labour are both integral parts which ought to have relationship of professionalism, cordiality, and trust for sustained growth and development as also transforming the general quality of life.

2. Existing provision of section 25K of the Industrial Disputes Act, 1947 provides for applicability of Chapter VB to such industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than one hundred workmen were employed on an average per working day for the preceding twelve months. In such establishments, prior permission of the State Government is to be required for the employer before effecting lay off, retrenchment or closure. It is considered necessary to have provision which would help and encourage the employers to employ more number of workers in the establishment and therefore, said section 25K is proposed to be amended so as to increase the number of workmen from one hundred to three hundred. *Clause 2* of the Bill provides for the same.

3. Existing section 25N provides for conditions precedent to retrenchment of workmen. Under clause (a) of sub-section (1), it is required that three months' notice or in *lieu* of notice wages for notice period is to be given to the workers before retrenchment. To ensure that the employer shall only give notice of three months to such workmen, provision to give wages for notice period in *lieu* of notice is proposed to be deleted. Further, to provide additional financial security to the workman affected by such retrenchment, it is proposed to amend sub-section (9) to the effect that in addition of that compensation, as prescribed in the said sub-section, the workman is paid an amount equivalent to his last three months average pay. *Clause 3* of the Bill provides for the same.

4. Similar provision is proposed to be added in sub-section (8) of section 25-0 providing for payment to the workman of an amount equivalent to his last three months average pay, along with compensation on prescribed rates, must also be paid to the workers who are being affected by the closure of the establishment. *Clause 4* of the Bill provides for the same.

5. Under sub-clauses (i) and (ii) of clause (m) of section 2 of the Factories Act, 1948 “factory” has been defined as any premises, including the precincts thereof (i) whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or (ii) whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on. Because of the existing limit, small units are also covered under the definition of “factory”. Due to increase in manufacturing activities by small units in the State, the existing threshold limit of “ten” and “twenty” is proposed to be amended by “twenty” and “forty” respectively, so that establishing of small manufacturing units be promoted resulting in creation of more employment opportunities for workers. Consequently, the existing section 85 of the Act is proposed to be amended. *Clauses 5 and 6 of the Bill* provide for the same.

6. There is no provision exists in the Factories Act, 1948 for compounding of offences and it results in higher number of prosecution cases. For speedy disposal of offences and to minimise the number of litigation, a new provision, *i.e.* section 106B is proposed to be inserted in the said Central Act of 1948 for compounding of offences. *Clause 7 of the Bill* provides for the same.

This Bill seeks to amend the said Central Acts to achieve the aforesaid objects.

DILIPKUMAR THAKOR,

MEMORENDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative powers in the following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government, by notification in the *Official Gazette*, to appoint the date on which the Act shall come into force.

Clause 2.- New sub-section (1A) proposed to be inserted in section 25K of the Industrial Disputes Act, 1947 by sub-clause (ii) of this clause empowers the State Government, on being satisfied that the maintenance of industrial peace or prevention of victimization of workmen so requires, by notification in the *Official Gazette*, to apply the provision of Chapter VB of the said Central Act of 1947 to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which

such number of workmen which may be less than three hundred but not less than one hundred, as may be specified in the notification, were employed on an average per working day for the preceding twelve months.

Clause 7.- New section 106B proposed to be inserted in the Factories Act, 1948 by of this clause empowers the State Government to specify, by notification in the *Official Gazette*, such offences which shall be compounded by such officer or authority for such amount not exceeding the maximum amount of fine fixed for such offence.

The delegation of powers as aforesaid is necessary and is in normal character.

Dated the 13th March, 2020.

DILIPKUMAR THAKOR.

By order and in the name of the Governor of Gujarat,

Gandhinagar.

K. M. LALA,

Dated the 13th March, 2020.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



सत्यमेव जयते



The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT APPROPRIATION ACTS (REPEAL) BILL, 2020.

GUJARAT BILL NO. 4 OF 2020.

A BILL

to repeal certain Gujarat Appropriation Acts including the Gujarat (Supplementary) Appropriation Acts, the Gujarat Appropriation (Excess Expenditure) Acts and the Gujarat Appropriation (Vote on Account) Acts enacted by the Gujarat Legislature during the year 1960 to 2006.

It is hereby enacted in the Seventy-First Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Appropriation Acts (Repeal) Act, 2020.

Short title.

(2) The enactments specified in the Schedule are hereby repealed to the extent mentioned in the column (5) thereof.

Repeal of Appropriation Acts.

Savings. 3. The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or;

from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, liability, right, title, privilege, restriction, exemption, practice, procedure or other matter or thing not now existing or in force;

nor shall the repeal of the enactments by this Act affect the audit, examination, accounting, investigation, inquiry or any other action taken or to be taken in relation thereto by any authority and such audit, examination, accounting, investigation, inquiry or action could be taken, and, or continued as if the said enactments are not repealed by this Act.

Explanation.- For the purpose of this Act, the term “Appropriation Acts” shall include all the Acts as specified in the Schedule.

SCHEDULE

(See section 2)

| Sr. No. | Act No. | Year | Short Title | Extent of repeal |
|----------------|----------------|-------------|---|-------------------------|
| (1) | (2) | (3) | (4) | (5) |
| 1. | 7 | 1960 | The Gujarat Appropriation Act, 1960. | The whole |
| 2. | 2 | 1961 | The Gujarat (Supplementary) Appropriation Act, 1961. | The whole |
| 3. | 5 | 1961 | The Gujarat Appropriation Act, 1961. | The whole |
| 4. | 29 | 1961 | The Gujarat (Second Supplementary) Appropriation Act, 1961. | The whole |
| 5. | 13 | 1962 | The Gujarat Appropriation (Vote on Account) Act, 1962. | The whole |
| 6. | 14 | 1962 | The Gujarat (Supplementary) Appropriation Act, 1962. | The whole |
| 7. | 17 | 1962 | The Gujarat Appropriation Act, 1962. | The whole |
| 8. | 19 | 1962 | The Gujarat (Second Supplementary) Appropriation Act, 1962. | The whole |
| 9. | 10 | 1963 | The Gujarat (Supplementary) Appropriation Act, 1963. | The whole |
| 10. | 12 | 1963 | The Gujarat Appropriation Act, 1963. | The whole |
| 11. | 21 | 1963 | The Gujarat Appropriation (Excess Expenditure) Act, 1963. | The whole |
| 12. | 39 | 1963 | The Gujarat (Second Supplementary) Appropriation Act, 1963. | The whole |
| 13. | 7 | 1964 | The Gujarat (Supplementary) Appropriation Act, 1964. | The whole |
| 14. | 10 | 1964 | The Gujarat Appropriation Act, 1964. | The whole |
| 15. | 18 | 1964 | The Gujarat Appropriation (Excess Expenditure) Act, 1964. | The whole |
| 16. | 22 | 1964 | The Gujarat (Second Supplementary) Appropriation Act, 1964. | The whole |
| 17. | 2 | 1965 | The Gujarat (Supplementary) Appropriation Act, 1965. | The whole |
| 18. | 4 | 1965 | The Gujarat Appropriation Act, 1965. | The whole |
| 19. | 12 | 1965 | The Gujarat Appropriation (Excess Expenditure) Act, 1965. | The whole |
| 20. | 21 | 1965 | The Gujarat (Second Supplementary) Appropriation Act, 1965. | The whole |
| 21. | 3 | 1966 | The Gujarat (Supplementary) Appropriation Act, 1966. | The whole |
| 22. | 5 | 1966 | The Gujarat Appropriation Act, 1966. | The whole |
| 23. | 16 | 1966 | The Gujarat (Second Supplementary) Appropriation Act, 1966. | The whole |
| 24. | 18 | 1966 | The Gujarat Appropriation (Excess Expenditure) Act, 1966. | The whole |
| 25. | 1 | 1967 | The Gujarat Appropriation (Vote on Account) Act, 1967. | The whole |

| Sr. No. | Act No. | Year | Short Title | Extent of repeal |
|---------|---------|------|---|------------------|
| (1) | (2) | (3) | (4) | (5) |
| 26. | 2 | 1967 | The Gujarat (Supplementary) Appropriation Act, 1967. | The whole |
| 27. | 7 | 1967 | The Gujarat Appropriation Act, 1967. | The whole |
| 28. | 2 | 1968 | The Gujarat (Supplementary) Appropriation Act, 1968. | The whole |
| 29. | 5 | 1968 | The Gujarat Appropriation (Excess Expenditure) Act, 1968. | The whole |
| 30. | 9 | 1968 | The Gujarat Appropriation Act, 1968. | The whole |
| 31. | 15 | 1968 | The Gujarat (Second Supplementary) Appropriation Act, 1968. | The whole |
| 32. | 1 | 1969 | The Gujarat (Supplementary) Appropriation Act, 1969. | The whole |
| 33. | 3 | 1969 | The Gujarat Appropriation Act, 1969. | The whole |
| 34. | 12 | 1969 | The Gujarat (Second Supplementary) Appropriation Act, 1969. | The whole |
| 35. | 14 | 1969 | The Gujarat Appropriation (Excess Expenditure) Act, 1969. | The whole |
| 36. | 22 | 1969 | The Gujarat (Third Supplementary) Appropriation Act, 1969. | The whole |
| 37. | 3 | 1970 | The Gujarat (Supplementary) Appropriation Act, 1970. | The whole |
| 38. | 4 | 1970 | The Gujarat Appropriation Act, 1970. | The whole |
| 39. | 9 | 1970 | The Gujarat (Second Supplementary) Appropriation Act, 1970. | The whole |
| 40. | 12 | 1970 | The Gujarat Appropriation (Excess Expenditure) Act, 1970. | The whole |
| 41. | 3 | 1971 | The Gujarat (Supplementary) Appropriation Act, 1971. | The whole |
| 42. | 4 | 1971 | The Gujarat Appropriation (Vote on Account) Act, 1971. | The whole |
| 43. | 1 | 1972 | The Gujarat (Supplementary) Appropriation Act, 1972. | The whole |
| 44. | 2 | 1972 | The Gujarat Appropriation (Vote on Account) Act, 1972. | The whole |
| 45. | 10 | 1972 | The Gujarat Appropriation Act, 1972. | The whole |
| 46. | 11 | 1972 | The Gujarat Appropriation (Excess Expenditure) Act, 1972. | The whole |
| 47. | 15 | 1972 | The Gujarat (Second Supplementary) Appropriation Act, 1972. | The whole |
| 48. | 27 | 1972 | The Gujarat (Third Supplementary) Appropriation Act, 1972. | The whole |
| 49. | 7 | 1973 | The Gujarat (Supplementary) Appropriation Act, 1973. | The whole |
| 50. | 8 | 1973 | The Gujarat Appropriation Act, 1973. | The whole |
| 51. | 23 | 1973 | The Gujarat (Second Supplementary) Appropriation Act, 1973. | The whole |
| 52. | 3 | 1975 | The Gujarat Appropriation Act, 1975. | The whole |

| Sr. No. | Act No. | Year | Short Title | Extent of repeal |
|---------|---------|------|--|------------------|
| (1) | (2) | (3) | (4) | (5) |
| 53. | 6 | 1976 | The Gujarat (Supplementary) Appropriation Act, 1976. | The whole |
| 54. | 1 | 1977 | The Gujarat (Supplementary) Appropriation Act, 1977. | The whole |
| 55. | 2 | 1977 | The Gujarat Appropriation (Vote on Account) Act, 1977. | The whole |
| 56. | 12 | 1977 | The Gujarat Appropriation Act, 1977. | The whole |
| 57. | 20 | 1977 | The Gujarat Appropriation (Excess Expenditure) Act, 1977. | The whole |
| 58. | 21 | 1977 | The Gujarat Appropriation (Excess Expenditure) (Second) Act, 1977. | The whole |
| 59. | 14 | 1978 | The Gujarat (Supplementary) Appropriation Act, 1978. | The whole |
| 60. | 22 | 1978 | The Gujarat Appropriation Act, 1978. | The whole |
| 61. | 25 | 1978 | The Gujarat Appropriation (Excess Expenditure) Act, 1978. | The whole |
| 62. | 30 | 1978 | The Gujarat (Second Supplementary) Appropriation Act, 1978. | The whole |
| 63. | 6 | 1979 | The Gujarat (Supplementary) Appropriation Act, 1979. | The whole |
| 64. | 8 | 1979 | The Gujarat Appropriation Act, 1979. | The whole |
| 65. | 22 | 1979 | The Gujarat (Second Supplementary) Appropriation Act, 1979. | The whole |
| 66. | 2, | 1980 | The Gujarat Appropriation (Vote on Accounts) Act, 1980. | The whole |
| 67. | 16 | 1980 | The Gujarat Appropriation Act, 1980. | The whole |
| 68. | 17 | 1980 | The Gujarat (Supplementary) Appropriation Act, 1980. | The whole |
| 69. | 27 | 1980 | The Gujarat Appropriation (Excess Expenditure) Act, 1980. | The whole |
| 70. | 28 | 1980 | The Gujarat Appropriation (Excess Expenditure) (Second) Act, 1980. | The whole |
| 71. | 29 | 1980 | The Gujarat Appropriation (Excess Expenditure) (Third) Act, 1980. | The whole |
| 72. | 30 | 1980 | The Gujarat Appropriation (Excess Expenditure) (Fourth) Act, 1980. | The whole |
| 73. | 31 | 1980 | The Gujarat Appropriation (Excess Expenditure) (Fifth) Act, 1980. | The whole |
| 74. | 8 | 1981 | The Gujarat (Supplementary) Appropriation Act, 1981. | The whole |
| 75. | 14 | 1981 | The Gujarat Appropriation Act, 1981. | The whole |
| 76. | 25 | 1981 | The Gujarat (Second Supplementary) Appropriation Act, 1981. | The whole |
| 77. | 12 | 1982 | The Gujarat (Supplementary) Appropriation Act, 1982. | The whole |
| 78. | 14 | 1982 | The Gujarat Appropriation Act, 1982. | The whole |

| Sr. No. | Act No. | Year | Short Title | Extent of repeal |
|---------|---------|------|--|------------------|
| (1) | (2) | (3) | (4) | (5) |
| 79. | 4 | 1983 | The Gujarat (Supplementary) Appropriation Act, 1983. | The whole |
| 80. | 5 | 1983 | The Gujarat Appropriation Act, 1983. | The whole |
| 81. | 15 | 1983 | The Gujarat (Second Supplementary) Appropriation Act, 1983. | The whole |
| 82. | 5 | 1984 | The Gujarat (Supplementary) Appropriation Act, 1984. | The whole |
| 83. | 12 | 1984 | The Gujarat Appropriation Act, 1984. | The whole |
| 84. | 19 | 1984 | The Gujarat (Second Supplementary) Appropriation Act, 1984. | The whole |
| 85. | 1 | 1985 | The Gujarat (Supplementary) Appropriation Act, 1985. | The whole |
| 86. | 2 | 1985 | The Gujarat Appropriation (Vote on Account) Act, 1985. | The whole |
| 87. | 12 | 1985 | The Gujarat Appropriation Act, 1985. | The whole |
| 88. | 12 | 1986 | The Gujarat (Supplementary) Appropriation Act, 1986. | The whole |
| 89. | 16 | 1986 | The Gujarat Appropriation Act, 1986. | The whole |
| 90. | 27 | 1986 | The Gujarat Appropriation (Excess Expenditure) Act, 1986. | The whole |
| 91. | 28 | 1986 | The Gujarat Appropriation (Excess Expenditure) (Second) Act, 1986. | The whole |
| 92. | 11 | 1987 | The Gujarat Appropriation (Excess Expenditure) Act, 1987. | The whole |
| 93. | 12 | 1987 | The Gujarat Appropriation (Excess Expenditure) (Second) Act, 1987. | The whole |
| 94. | 13 | 1987 | The Gujarat (Supplementary) Appropriation Act, 1987. | The whole |
| 95. | 14 | 1987 | The Gujarat Appropriation Act, 1987. | The whole |
| 96. | 25 | 1987 | The Gujarat (Second Supplementary) Appropriation Act, 1987. | The whole |
| 97. | 3 | 1988 | The Gujarat (Supplementary) Appropriation Act, 1988. | The whole |
| 98. | 4 | 1988 | The Gujarat Appropriation (Vote on Account) Act, 1988. | The whole |
| 99. | 6 | 1988 | The Gujarat Appropriation Act, 1988. | The whole |
| 100. | 11 | 1988 | The Gujarat Appropriation (Excess Expenditure) Act, 1988. | The whole |
| 101. | 3 | 1989 | The Gujarat (Supplementary) Appropriation Act, 1989. | The whole |
| 102. | 12 | 1989 | The Gujarat Appropriation Act, 1989. | The whole |
| 103. | 17 | 1989 | The Gujarat Appropriation (Excess Expenditure) Act, 1989. | The whole |
| 104. | 22 | 1989 | The Gujarat (Second Supplementary) Appropriation Act, 1989. | The whole |
| 105. | 2 | 1990 | The Gujarat (Supplementary) Appropriation Act, 1990. | The whole |

| Sr. No. | Act No. | Year | Short Title | Extent of repeal |
|---------|---------|------|--|------------------|
| (1) | (2) | (3) | (4) | (5) |
| 106. | 3 | 1990 | The Gujarat Appropriation (Vote on Account) Act, 1990. | The whole |
| 107. | 14 | 1990 | The Gujarat Appropriation Act, 1990. | The whole |
| 108. | 5 | 1991 | The Gujarat (Supplementary) Appropriation Act, 1991. | The whole |
| 109. | 11 | 1991 | The Gujarat Appropriation Act, 1991. | The whole |
| 110. | 2 | 1992 | The Gujarat (Supplementary Appropriation) Act, 1992. | The whole |
| 111. | 5 | 1992 | The Gujarat Appropriation Act, 1992. | The whole |
| 112. | 5 | 1993 | The Gujarat Appropriation (Excess Expenditure) Act, 1993. | The whole |
| 113. | 6 | 1993 | The Gujarat (Supplementary) Appropriation Act, 1993. | The whole |
| 114. | 7 | 1993 | The Gujarat Appropriation Act, 1993. | The whole |
| 115. | 5 | 1994 | The Gujarat (Supplementary) Appropriation Act, 1994. | The whole |
| 116. | 6 | 1994 | The Gujarat Appropriation (Vote on Account) Act, 1994. | The whole |
| 117. | 18 | 1994 | The Gujarat Appropriation Act, 1994. | The whole |
| 118. | 1 | 1995 | The Gujarat (Supplementary) Appropriation Act, 1995. | The whole |
| 119. | 2 | 1995 | The Gujarat Appropriation (Vote on Account) Act, 1995. | The whole |
| 120. | 10 | 1995 | The Gujarat Appropriation Act, 1995. | The whole |
| 121. | 5 | 1996 | The Gujarat (Supplementary) Appropriation Act, 1996. | The whole |
| 122. | 6 | 1996 | The Gujarat Appropriation Act, 1996. | The whole |
| 123. | 9 | 1997 | The Gujarat (Supplementary) Appropriation Act, 1997. | The whole |
| 124. | 16 | 1997 | The Gujarat Appropriation Act, 1997. | The whole |
| 125. | 3 | 1998 | The Gujarat Appropriation (Vote on Account) Act, 1998. | The whole |
| 126. | 4 | 1998 | The Gujarat (Supplementary) Appropriation Act, 1998. | The whole |
| 127. | 12 | 1998 | The Gujarat Appropriation Act, 1998. | The whole |
| 128. | 14 | 1998 | The Gujarat Appropriation (Excess Expenditure) Act, 1998. | The whole |
| 129. | 15 | 1998 | The Gujarat Appropriation (Excess Expenditure) (Second) Act, 1998. | The whole |
| 130. | 16 | 1998 | The Gujarat Appropriation (Excess Expenditure) (Third) Act, 1998. | The whole |
| 131. | 17 | 1998 | The Gujarat Appropriation (Excess Expenditure) (Fourth) Act, 1998. | The whole |
| 132. | 18 | 1998 | The Gujarat Appropriation (Excess Expenditure) (Fifth) Act, 1998. | The whole |
| 133. | 19 | 1998 | The Gujarat Appropriation (Excess Expenditure) (Sixth) Act, 1998. | The whole |

| Sr. No. | Act No. | Year | Short Title | Extent of repeal |
|---------|---------|------|--|------------------|
| (1) | (2) | (3) | (4) | (5) |
| 134. | 4 | 1999 | The Gujarat (Supplementary) Appropriation Act, 1999. | The whole |
| 135. | 10 | 1999 | The Gujarat Appropriation Act, 1999. | The whole |
| 136. | 6 | 2000 | The Gujarat (Supplementary) Appropriation Act, 2000. | The whole |
| 137. | 7 | 2000 | The Gujarat Appropriation Act, 2000. | The whole |
| 138. | 18 | 2000 | The Gujarat (Second Supplementary) Appropriation Act, 2000. | The whole |
| 139. | 7 | 2001 | The Gujarat Appropriation (Vote on Account) Act, 2001. | The whole |
| 140. | 8 | 2001 | The Gujarat (Supplementary) Appropriation Act, 2001. | The whole |
| 141. | 9 | 2001 | The Gujarat Appropriation (Excess Expenditure) Act, 2001. | The whole |
| 142. | 10 | 2001 | The Gujarat Appropriation (Excess Expenditure) (Second) Act, 2001. | The whole |
| 143. | 21 | 2001 | The Gujarat Appropriation Act, 2001. | The whole |
| 144. | 1 | 2002 | The Gujarat (Supplementary) Appropriation Act, 2002. | The whole |
| 145. | 2 | 2002 | The Gujarat Appropriation Act, 2002. | The whole |
| 146. | 13 | 2003 | The Gujarat (Supplementary) Appropriation Act, 2003. | The whole |
| 147. | 17 | 2003 | The Gujarat Appropriation Act, 2003. | The whole |
| 148. | 7 | 2004 | The Gujarat Appropriation (Vote on Account) Act, 2004. | The whole |
| 149. | 8 | 2004 | The Gujarat (Supplementary) Appropriation Act, 2004. | The whole |
| 150. | 9 | 2004 | The Gujarat Appropriation (Excess Expenditure) Act, 2004. | The whole |
| 151. | 10 | 2004 | The Gujarat Appropriation (Excess Expenditure) (Second) Act, 2004. | The whole |
| 152. | 25 | 2004 | The Gujarat Appropriation Act, 2004. | The whole |
| 153. | 10 | 2005 | The Gujarat (Supplementary) Appropriation Act, 2005. | The whole |
| 154. | 14 | 2005 | The Gujarat Appropriation Act, 2005. | The whole |
| 155. | 7 | 2006 | The Gujarat (Supplementary) Appropriation Act, 2006. | The whole |
| 156. | 22 | 2006 | The Gujarat Appropriation Act, 2006. | The whole |

STATEMENT OF OBJECTS AND REASONS

The repeal of enactments which have ceased to be in force or have become obsolete or the retention whereof as separate, independent and distinct Acts is unnecessary, then, such enactments are to be repealed. The principal object of such repealing Acts is to excise dead matter, prune off superfluities and remove such redundant laws from the Statute Book to bring in clarity. The Appropriation Acts enacted during the year 1960 to 2006, in reality have lost their meaning but are still shown on the Statute-Books. These laws have become either irrelevant or dysfunctional and importantly have served their purpose and outlived their utility.

The Parliament of India has, in the year 2015, enacted the Appropriation Acts (Repeal) Act, 2016 (22 of 2016) to repeal 758 Appropriation Acts including Appropriation (Railways) Acts enacted by Parliament during the year 1950 to 2012.

Based on the repeal mechanism followed in the Central Government, the Gujarat Appropriation Acts (Repeal) Bill, 2020 has been prepared to repeal 156 Appropriation Acts including (Supplementary) Appropriation Acts and Appropriation (Excess Expenditure) Acts, Gujarat Appropriation (Vote on Account) Acts enacted by the Gujarat State Legislature during the year 1960 to 2006.

Since the Appropriation Acts spend themselves after a particular Financial Year, an appropriate saving clause has been incorporated in the Bill to save the past transactions.

This seeks to achieve the aforesaid object.

Dated the 16th March, 2020.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar.

K. M. LALA,

Dated the 16th March, 2020.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



सत्यमेव जयते



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT ELECTRICITY DUTY (AMENDMENT) BILL,

2020.

GUJARAT BILL NO. 5 OF 2020.

A BILL

further to amend the Gujarat Electricity Duty Act, 1958.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Electricity Duty (Amendment) Act, 2020.

Short title and
commencement.

(2) It shall come into force on the 1st April, 2020.

**Amendment
of section 3 of
Bom. XL of
1958.**

2. In the Gujarat Electricity Duty Act, 1958 (hereinafter referred to as “the principal Act”), in section 3, in sub-section (2), -

**Bom. XL
of 1958.**

- (i) in clause (vii), in the *Explanation*, in clause (b), the words “a building” shall be deleted;
- (ii) in clause (viii), in the *Explanation*, in clause (b), the words “ a building” shall be deleted.

**Amendment
of Schedule I
to Bom. XL
of 1958.**

3. In the principal Act, in Schedule-I, in Part I, in item (4), in column 3, for the figures and words “25 per cent. of consumption charges”, the figures and words “20 per cent. of consumption charges” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to amend the Gujarat Electricity Duty Act, 1958 with a view to giving effect to the Budget proposal contained in the Budget speech of the Deputy Chief Minister in the Gujarat Legislative Assembly on the 26th February, 2020 and simplifying the procedure of granting exemption under clauses (vii) and (viii) of sub-section (2) of section 3 of the said Act by removing building from the investment criteria and promoting plug and play in respect of new plant and machinery in any building.

Dated the 18th March, 2020.

SAURABH PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar
Dated the 18th March, 2020

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE SMALL CAUSE COURTS LAWS (GUJARAT AMENDMENT) BILL, 2020.

GUJARAT BILL NO. 6 OF 2020.

A BILL

further to amend the Presidency Small Cause Courts Act, 1882 in its application to the City of Ahmedabad and the Provincial small Cause Courts Act, 1887 in its application to the State of Gujarat.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Small Cause Courts Laws (Gujarat Amendment) Act, 2020.

Short title and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

| | | |
|---|--|--------------------------|
| Amendment of section 18 of XV of 1882. | 2. In the Presidency Small Cause Courts Act, 1882, in its application to the City of Ahmedabad (hereinafter referred to as "the Presidency Small Cause Courts Act"), in section 18, for the words "ten lacs rupees" wherever they occur, the words "twenty-five lacs rupees" shall be substituted. | XV of 1882. |
| Amendment of section 20 of XV of 1882. | 3. In the Presidency Small Cause Courts Act, in section 20, for the words "ten lacs rupees" wherever they occur, the words "twenty-five lacs rupees" shall be substituted. | |
| Amendment of section 22 of XV of 1882. | 4. In the Presidency Small Cause Courts Act, in section 22, in clause (b), for the words "ten lacs rupees", the words "twenty-five lacs rupees" shall be substituted. | |
| Amendment of section 41 of XV of 1882. | 5. In the Presidency Small Cause Courts Act, in section 41, for the words "ten lacs rupees", the words "twenty-five lacs rupees" shall be substituted. | |
| Amendment of section 15 of IX of 1887. | 6. In the Provincial Small Cause Courts Act, 1887, in its application to the State of Gujarat, in section 15, in sub-section (3), for the words "ten lacs rupees", the words "twenty-five lacs rupees" shall be substituted. | IX of 1887. |
| Transfer of pending cases. | 7. All suits and applications of a civil nature wherein the subject matter exceeds in amount or value ten lacs rupees but does not exceed twenty-five lacs rupees pending in the Courts of City Civil, Ahmedabad or, as the case may be, in any district court immediately before the commencement of the Small Cause Courts Laws (Gujarat Amendment) Act, 2020 shall after such commencement, stand transferred to and be disposed of by the Judge, Court of Small Cause, Ahmedabad or, as the case may be, Judge, Small Cause Court, within the local limit of his ordinary jurisdiction. | Guj.of 2020. |

STATEMENT OF OBJECTS AND REASONS

Under the existing provisions of the Presidency Small Cause Courts Act, 1882 and the Provincial Small Cause Courts Act, 1887, the pecuniary jurisdiction of the Small Cause Court is rupees ten lacs since 2015. The pecuniary jurisdiction of Civil Judge whose cadre is lower than that of the Judge of the Small Cause Court has been raised upto rupees twenty-five lacs in 2020. Considering this aspect and in view of the fall in the purchase value of the rupee and the substantial appreciation in value of immovable property in the recent time, it is considered necessary to raise such jurisdiction of the Small Cause Courts from ten lacs rupees to twenty-five lacs rupees. *Clauses 2, 3,4,5,6 and 7 of the Bill provide for the same.*

This Bill seeks to amend both the said Acts to achieve the aforesaid object.

PRADEEPSINH JADEJA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative power in the following respect:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 19th March, 2020.

PRADEEPSINH JADEJA.

By order and in the name of the Governor of Gujarat,

Gandhinagar

K. M. LALA,

Dated the 19th March, 2020

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The Following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules: -

THE REGISTRATION (GUJARAT AMENDMENT) BILL, 2020.

GUJARAT BILL NO. 7 OF 2020.

A BILL

further to amend the Registration Act, 1908 in its application to the State of Gujarat.

It is hereby enacted in the Seventy-first Year of the Republic of India
as follows:-

1. (1) This Act may be called the Registration (Gujarat Amendment) Act, 2020.

Short title and
commencement.

(2) It shall come into force on such date, as the State Government may, by
notification in the *Official Gazette*, appoint.

Insertion of
new section
17A in XVI
of 1908.

2. In the Registration Act, 1908, in its application to the State of Gujarat (hereinafter referred to as “the principal Act”), after section 17, the following section shall be inserted, namely:-

XVI of 1908.

Power of State
Government to
prepare and
circulate Model
Draft in standard
Format or Form.

17A. Notwithstanding anything contained in any other provisions of this Act, the State Government may prepare and circulate standard format or form of various kinds of documents for the guidance of general public, which may be used with or without modifications.

Explanation: for the purpose of this section, the use of a standard format or form prepared and circulated under this section shall not preclude the description of the property required under sections 21 and 22.

Amendment of
section 34 of
XVI of 1908.

3. In the principal Act, in section 34, -
(i) in sub-section (1), after the existing proviso, the following proviso shall be added, namely:-

“Provided further that the registering officer may refuse to register the non-testamentary instruments relating to immovable property mentioned in sub-section (1) of section 17, if they are not accompanied by such documents relating to proof of ownership of right, as may be specified by the State Government, by notification in the *Official Gazette*.”;

(ii) to sub-section (3), the following provisos shall be added, namely:-

“Provided that the person executing documents, his identifier and claiming party shall, as far as possible, be required to submit his Aadhar number for the purpose of identity:

Provided further that the registering officer shall follow such procedure as the State Government may, by notification in the *Official Gazette*, specify in cases where the executing party is a power of attorney holder.”.

4. In the principal Act, after section 35, the following section shall be inserted, namely:-

Insertion of new section 35A in XVI of 1908.

Documents which shall not be registered.

“35A. The following documents or class of documents shall not be registered under this Act, namely:-

- (a) the document relating to transaction which is prohibited by any existing Central Act or State Act for the time being in force;
- (b) the document relating to transfer of property by way of agreement for sale, sale, gift, exchange or lease or otherwise in respect of any immovable property owned by the Central Government or the State Government or any authority or undertaking of the Central Government or the State Government or any authority or undertaking constituted or established under any Central Act or the State Act, for the time being in force, executed by any person who is not empowered to do so;
- (c) the document relating to transfer of property by way of agreement for sale, sale, gift, exchange or permanent alienation or lease or otherwise pertaining to any immovable property which is attached permanently or provisionally by any competent authority under any Central Act or a State Act, for the time being in force or any court or tribunal;
- (d) any document or class of documents which are likely to affect adversely the accrued interest in immovable properties of the Central Government, State Governments, local bodies, educational, cultural, religious or charitable institutions including wakf boards, *bhoodanyagna* or such other properties as may be specified by the State Government, by notification in the *Official Gazette*:

Provided that nothing in this section shall apply in respect of any document or class of documents for which sanction in this regard has been issued by the competent authority under the respective law for the time being in force.”.

Insertion of
new sections
82A to 82C
in XVI of
1908.

5. In the principal Act, after section 82, the following sections shall be inserted, namely:-

Punishment
for acts done
in
contravention
of section 35A.

“82A. Whoever contravenes the provisions of section 35A shall, on conviction, be punishable with imprisonment for a term which may extend to seven years or with fine which shall be equal to the market value of such property or with both.

Punishment for
coercion or
fraudulent
practice in
registration by
electronic means.

82B. Whoever intentionally indulges in the coercive or fraudulent practices in registration by electronic means shall be punishable with imprisonment for a term which may extend to seven years or with fine which shall be equal to the market value of such property or with both.

Punishment for
misuse of
power of
attorney.

82C. Whoever intentionally deceives or misuses the authorization given under power of Attorney for the purpose of registration of documents related to immovable property, shall be punishable with imprisonment for a term which may extend to seven years or with fine which shall be equal to the market value of such property or with both.”.

STATEMENT OF OBJECTS AND REASONS

It is considered necessary to have the provision in the Registration Act, 1908 which empowers the State Government to prepare and circulate standard format or form of various kinds of documents for the guidance of general public, which may be used with or without modifications. Accordingly, new section 17A is proposed to be inserted. *Clause 2* of the Bill provides for the same.

At present, there is no provision in the said central Act for inquiry of title of the property. Therefore, sub-section (1) of section 34 of the said central Act is proposed to be amended so as to provide a stable and guaranteed title of the property and to prevent the unauthorized persons from creating false title over the property. Moreover, it is also considered to specify the procedure to be followed by the registering officer in cases where the executing party is a power of attorney holder and also to make a provision for ascertaining the identity of the executing party, claiming party and identifier. Accordingly, sub-section (1) of section 34 of the said central Act is proposed to be amended. *Clause 3* of the Bill provides for the same.

There is no provision in the said central Act which empowers the registering officer to refuse certain documents or class of documents for registration-

- (i) relating to the transaction which is prohibited by any existing Central Act or State Act;
- (ii) relating to any immovable property owned by the Central Government or the State Government or any authority or undertaking of the Central Government or the State Government or any authority or undertaking constituted or established under any Central Act or the State Act;
- (iii) relating to any immovable property which is attached permanently or provisionally by any competent authority under any Central Act or a State Act;
- (iv) which are likely to affect adversely the accrued interest in immovable properties of the Central Government, State Governments, local bodies, educational, cultural, religious or charitable institutions including wakf boards, *bhoodanyagna* or such other properties as may be specified by the State Government.

In view of the above, the State Government considers it necessary to have an ample provision in the said Central Act and accordingly, new section 35A is proposed to be inserted. *Clause 4* of the Bill provides for the same.

It is also considered necessary to have some penal provisions to control over the crimes relating to certain transfer of property by imposing penalty on the accused and for eradication of civil disputes. Accordingly, new sections 82A to 82C are proposed to be inserted. *Clause 5* of the Bill provides for the same.

This Bill seeks to amend the said Central Act of 1908 to achieve the aforesaid objects.

KAUSHIK PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:--

Clause 1.— Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the said Act shall come into force.

Clause 3.— (i) New proviso to the existing proviso of sub-section (1) of section 34 proposed to be inserted by this clause empowers the State Government to specify by notification in the *Official Gazette*, the documents if they are not accompanied then the registering officer may refuse to register the non-testamentary instruments relating to immovable property mentioned in sub-section (1) of section 17;

(ii) the second proviso to sub-section (3) of section 34 proposed to be inserted by this clause empowers the State Government to specify by notification in the *Official Gazette*, the procedure to be followed by the registering officer in cases where the executing party is a power of attorney holder.

Clause 4.— Clause (d) of new section 35A proposed to be inserted by this clause empowers the State Government to specify by notification in the *Official Gazette*, the properties other than the immovable properties of the Central Government, State Governments, local bodies, educational, cultural, religious or charitable institutions including wakf boards, *bhoodanyagna*, the accrued interest of which shall be adversely affected by registering the document or class of documents specified therein.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 19th March, 2020.

KAUSHIK PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar

Dated the 19th March, 2020.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT FISHERIES (AMENDMENT) BILL, 2020.

GUJARAT BILL NO. 8 OF 2020.

A BILL

further to amend the Gujarat Fisheries Act, 2003.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Fisheries (Amendment) Act, 2020. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment
of section 2
of Guj. 8 of
2003.**

2. In the Gujarat Fisheries Act, 2003 (hereinafter referred to as “the principal Act”), in section 2, -

**Guj. 8 of
2003.**

- (i) to clause (a), the following proviso shall be added, namely:-
“Provided that the District Magistrate shall be the Adjudicating Officer for the purpose of clause (c) of sub-section (1) of section 17;”;
- (ii) after clause (b), the following clause shall be inserted, namely:-
“(bb) “crossing of notional Indo-Pak International Maritime Boundary Line” means an act of fishing vessel entering any area in the “No Fishing Zone” as notified by the Ministry of Home Affairs on 4th May, 1993 which is situated within the territorial waters;”;
- (iii) for clause (c), the following clause and the proviso thereunder shall be substituted, namely:-
“(c) “Enforcement Officer” means such fishery officer or any Police Sub- Inspector or above, posted in the Marine Police Station as notified by the State Government under clause (s) of section 2 of the Code of Criminal Procedure, 1973 as the State Government may appoint for the purpose of section 15:

2 of 1974.

Provided that the Sub-Divisional Officer of the concerned area shall be the Enforcement Officer for the purpose of clause (f) of sub-section (1) of section 21.”.

**Amendment
of section 6
of Guj. 8 of
2003.**

3. In the principal Act, in section 6, in the marginal note, after the words “to protect fish”, the words “and to ensure internal security” shall be added.

**Amendment
of section 15
of Guj. 8 of
2003.**

4. In the principal Act, in section 15, -

- (i) in clause (iii), the word “and” appearing at the end shall be deleted;
- (ii) in clause (iv), the words “and in other cases, to the Police officer in charge of a police station” shall be deleted;

(iii) after clause (iv), the following clauses shall be added, namely:-

- “(v) use such force for taking any action under clause (i) as may reasonably be necessary,
- (vi) where any vessel or other things are seized by the Enforcement Officer, the same may reasonably be necessary,
- (vii) provide to the seized vessel, the docking facility by the port notified for the purpose and charges towards docking, maintenance and other related costs of the seized vessel in the manner as may be prescribed, and
- (viii) produce the seized vessel or other things before a magistrate competent to try an offence under this Act as soon as possible and the magistrate may make such order therefor as he may deem fit.”.

5. In the principal Act, in section 17, in sub-section (1),-

- (1) in clause (a), the word “or” appearing at the end shall be deleted;
- (2) in clause (b), for the words” such permission” appearing at the end, the words “such permission, or” shall be substituted;
- (3) after clause (b), the following clause shall be inserted, namely:-

“(c) the Sub-Divisional Magistrate under clause (f) of sub-section (1) of section 21 imposing fine on the person entering the territorial water,”.

**Amendment
of section 17
of Guj. 8 of
2003.**

6. In the principal Act, in section 21, in sub-section (1), after clause (e), the following clause shall be added, namely:-

“(f) Whoever enters the territorial waters with the fishing vessel from outside the territorial waters of the State for the purpose of fishing or for any other allied purpose in contravention of any provision of this Act shall be punishable by the Sub-Divisional Magistrate of the concerned area with fine of rupees one lakh and five times the value of the fish captured by such person.”.

**Amendment
of section 21
of Guj. 8 of
2003.**

**Amendment
of section 23
of Guj. 8 of
2003.**

7. In the principal Act, in section 23, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence other than the offence punishable under clause (b), (c), (d) or (f) of sub-section (1) of section 21 shall be cognizable.”.

2 of 1974.

STATEMENT OF OBJECTS AND REASONS

As everybody is aware, Gujarat State has the longest coastline in India and is a State having very strategic location in India. It is therefore, utmost necessity to guard the national boundary across the Gujarat Coast.

The State of Gujarat being strategically placed in India, has unique issues that require urgent attention. It is also necessary that the safety and well-being of the fishermen doing fishing operations along the Gujarat Coast should also be maintained. It is therefore, necessary to see that no unscrupulous persons enter or pass through the territorial waters of Gujarat State without proper registration. For the purpose, it is also necessary to check the fishing vessels as also their identity while they are undertaking fishing activities so that no anti-social or anti-national activities take place under the garb of fishing.

The Gujarat Fisheries Act, 2003 has been enacted and the Gujarat Fisheries Rules, 2003 have been made thereunder to provide for protection, conservation, development and regulation of fisheries in inland and territorial waters of the State of Gujarat and for matters connected therewith or incidental thereto. It is found necessary to amend the provisions of the said Act and the rules to provide for a mechanism to regulate and monitor the fishing vessels and the fishing activities by empowering the police to work in cooperation with the fisheries officers and the coast guards so that the security of the State is not jeopardized by anybody under the garb of the fishing activities in the territorial waters. Certain provisions of the said Act are therefore, proposed to be amended.

This Bill seeks to amend the said Act to achieve the aforesaid purposes.

JAWAHAR CHAVDA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:--

Clause 1.— Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 4.— New clause (vii) in section 15 proposed to be inserted by this clause empowers the State Government to prescribe by rules, the manner in which the Enforcement Officer may provide to the seized vessel, the docking facility by the port notified for the purpose and charges towards docking, maintenance and other related costs of the seized vessel.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 20th March, 2020.

JAWAHAR CHAVDA.

By order and in the name of the Governor of Gujarat,

Gandhinagar
Dated the 20th March, 2020

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT SECONDARY AND HIGHER SECONDARY EDUCATION (AMENDMENT) BILL, 2020.

GUJARAT BILL NO. 9 OF 2020.

A BILL

*further to amend the Gujarat Secondary and Higher Secondary
Education Act, 1972.*

It is hereby enacted in the Seventy-first Year of the Republic of India
as follows:-

1. (1) This Act may be called the Gujarat Secondary and Higher
Secondary Education (Amendment) Act, 2020.

Short title and
commencement.

(2) It shall come into force on such date as the State Government may, by
notification in the *Official Gazette*, appoint.

Amendment
of section 3 of
Guj. 18 of
1973.

2. In the Gujarat Secondary and Higher Secondary Education Act, 1972, in section 3, in sub-section (2),-

Guj. 18 of
1973.

(1) under the heading “**Class A-Ex Officio Members**” for clauses (i) to (xv), the following clauses shall be substituted, namely:-

- “(i) the Commissioner of Higher Education, Gujarat State;
- (ii) the Commissioner of School, Gujarat State;
- (iii) the Director of Primary Education, Gujarat State;
- (iv) the Director, Gujarat State Board of School Text Books;
- (v) the Director, Gujarat Council of Educational Research and Training;
- (vi) one officer of Education Department not below the rank of Deputy Secretary, nominated by the State Government;
- (vii) the Chairman, State Examination Board;
- (viii) the Director of Examination, Gujarat Secondary and Higher Secondary Education Board;
- (ix) the State Project Director, *Samagra Siksha Abhiyan*.”;

(2) under the heading “**Class B- Elected Members**” for clauses (i) to (x), the following clauses shall be substituted, namely:-

- (i) one member elected by the headmasters of registered schools other than post basic schools from amongst themselves;
- (ii) one member elected by the headmasters and the teachers of the post basic schools registered under this Act, from amongst themselves;
- (iii) one member elected by the teachers of registered schools other than post basic schools from amongst themselves;
- (iv) one member elected by the Principals of the Secondary Teachers Training Colleges and Graduate Basic Training Colleges from amongst themselves in such manner as may be prescribed;
- (v) one member elected by the non-teaching staff of registered private secondary schools, secondary and higher secondary schools, from amongst themselves;

XXI of 1860.
Bom. XXIX of 1950.

- (vi) one member elected by the teaching staff of registered higher secondary schools from amongst themselves;
- (vii) one member elected from amongst teachers of Government secondary and higher secondary schools;
- (viii) one member elected by the representatives of the management of registered secondary and higher secondary schools registered under the Societies Registration Act, 1860 and the Gujarat Public Trusts Act, 1950 from amongst themselves in such manner as may be prescribed;
- (ix) one member elected by the Presidents of the Parents' Associations of registered private secondary schools and registered private higher secondary schools, from amongst themselves.

Explanation. - In this clause, –

- (1) "Parents' Association" in relation to any registered private secondary schools shall mean an association of parents and guardians of students of that schools, formed and recognised by the headmaster of that school, whether before or after the appointed day.
- (2) (a) in relation to Parents' Association whose President is a headmaster, a teacher, a manager or a member of a governing body or other body in charge of the management of the school, "President" shall mean such member of that Association other than such headmaster, teacher, manager or, as the case may be, member, as may be authorised in writing by the Association; and
- (b) in a case where the President of a Parent's Association is himself absent or incapable of acting, the President shall, for the purpose of electing a member under this clause, mean such other member of that Association as may be authorised in writing by the Association for that purpose.
- (c) A member of the Parents' Association shall cease to be such member on completion of his child's secondary or, as the case may be, higher secondary education.

- (x) two members elected by the Gujarat Legislative Assembly from amongst its members in accordance with the system of proportional representation by means of the single transferable vote:

Provided further that a person shall cease to hold office as a member of the Board if he ceases to be a headmaster or teacher of a registered school or the Principal of a Secondary Teachers Training College or a Graduate Basic Training College or a member of non-teaching staff of registered private secondary schools and registered private higher secondary schools or of teaching staff of registered higher secondary schools or a representative of the management of the registered schools or a President of a Parents' Association or, as the case may be, a member of the Gujarat Legislative Assembly.”;

- (3) under the heading “**Class C- Nominated Members**”, the existing paragraph shall be numbered as clause (i) and after clause (i) as so numbered, the following clause shall be inserted, namely:-

“(ii) The State Government shall nominate one member from amongst the members of the Academic Council of the Universities controlled by the State Government in Education Department.”.

STATEMENT OF OBJECTS AND REASONS

As per the existing provisions of the Gujarat Secondary and Higher Secondary Education Act, 1972, the Gujarat Secondary and Higher Secondary Education Board is constituted and entrusted the regulation of the secondary and higher secondary education in the State. The Board conducts the certificate examination for both the secondary school (i.e. 10th standard) and higher secondary school (i.e. 12th standard). The Board grants registration to the schools and grants permission to open new school in the State also. More particularly, the Board enjoys the powers and performs the duties as enumerated in sections 17 and 18 of the said Act.

The present total strength of the members (including the *ex-officio* members, the elected members and the nominated members) of the Board is 59 which is the highest of all the Boards constituted and functioning in the country for similar purposes. Most of the Boards have 11 to 26 members except the Board in the State of Maharashtra, Rajasthan, Madhya Pradesh and Uttarakhand which have 32 to 45 members.

The huge strength of the members of the Board hampers the functioning of the Board. Secondly, huge amount is incurred on the elections of the members of the Board and also on the payment of fees for the sittings of the Board and Committees appointed by the Board, travelling allowances to the members. It is therefore, considered necessary to amend sub-section (2) of section 3 of the said Act. *Clause 2* of the Bill provides for the same.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

BHUPENDRASINH CHUDASAMA,

MEMORENDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative powers in the following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government, by notification in the *Official Gazette*, to appoint the date on which the provisions of the Bill shall come into force.

Clause 2.- (i) New clause (iv) under the heading “Class B- Elected Members” proposed to be substituted by sub-clause (2) of this clause empowers the State Government to prescribe by rules, the manner in which one member shall be elected by the Principals of the Secondary Teachers Training Colleges and Graduate Basic Training Colleges, from amongst themselves;

(ii) new clause (viii) under the heading “Class B- Elected Members” proposed to be substituted by sub-clause (2) of this clause empowers the State Government to prescribe by rules, the manner in which one member shall be elected by the representatives of the management of registered Secondary and Higher Secondary schools registered under the Societies Registration Act, 1860 and the Bombay Public Trusts Act, 1950, from amongst themselves.

The delegation of powers as aforesaid is necessary and is in normal character.

Dated the 20th March, 2020.

BHUPENDRASINH CHUDASAMA.

By order and in the name of the Governor of Gujarat,

Gandhinagar
Dated the 20th March, 2020

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



सत्यमेव जयते



The Gujarat Government Gazette

EXTRAORDINARY
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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT AGRICULTURAL PRODUCE MARKETS (AMENDMENT) BILL, 2020.

GUJARAT BILL NO 10 OF 2020.

A BILL

further to amend the Gujarat Agricultural Produce Markets Act, 1963.

It is hereby enacted in the Seventy-first Year of the Republic of India
as follows: -

1. (1) This Act may be called the Gujarat Agricultural Produce Markets (Amendment) Act, 2020.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint; and different dates may be appointed for different provisions of this Act.

Short title and
commencement.

Amendment
of section 1 of
Guj. 20 of
1964.

2. In the Gujarat Agricultural Produce Markets Act, 1963, in section 1, for sub-section (1), the following sub-section shall be substituted, namely:-
- “(1) This Act may be called the Gujarat Agricultural Produce and Livestock Marketing (Promotion and Facilitation) Act, 1963.”.

Guj. 20 of
1964.

Amendment
of section 2 of
Guj. 20 of
1964.

3. In the Gujarat Agricultural Produce Markets and Livestock Marketing (Promotion and Facilitation) Act, 1963 as so renamed (hereinafter referred to as “the principal Act”), in section 2,-

Guj. 20 of
1964.

- (1) for clause (i), the following clause shall be substituted, namely:-
- “(i) “agriculture produce” means all produce, whether processed or not, of agriculture, horticulture and includes livestock, specified in the Schedule;”;
- (2) for clause (ii), the following clause shall be substituted, namely: -
- “(ii) “agriculturist” means a person who ordinarily by himself or who by his tenants or hired labour or otherwise is engaged in the production or growth of agricultural produce including rearing of livestock, but does not include a trader or broker in agricultural produce or livestock although such a trader or broker may also be engaged in the production or growth of agricultural produce or livestock. It also includes association of farmers by whatever name called, registered under any law for the time being in force and is engaged in aggregation of member farmers produce including livestock;”;
- (3) after clause (iii), the following clause shall be inserted, namely: -
- “(iiia) “buyer” means a person, who himself or itself or on behalf of any person or agent buys or agrees to buy agricultural produce in the market;”;
- (4) after clause (iv), the following clause shall be inserted, namely:-
- “(iv-a) “cold storage” means a cold storage as may be declared as market sub-yard under this Act;”;

(5) after clause (v-aaa), the following clause shall be inserted, namely:-

“(v-aab) “direct marketing” in relation to agricultural produce means direct wholesale purchase of agricultural produce from the farmers by the processors, exporters, bulk buyers and such other person outside the principal market yard, sub-market yard, private market yard and market sub-yard, or e-market established under section 31C;” ;

(6) after clause (vi-a), the following clauses shall be inserted, namely:-

“(vi-ab)“electronic trading (e-trading)” means trading of notified agricultural produce in which registration, auctioning, billing, booking, contracting, negotiating, exchange of information, record keeping and such other connected activities are done electronically on computer network or internet;

(vi-ac)“electronic trading platform (e-trading platform)” means electronic platform set up either by the State Government or its agency or a person licensed under this Act for conducting trading in notified agricultural produce through electronic media or by any means of communication in which registration, buying and selling, billing, booking, contracting and negotiating are carried out online through computer network or internet or any other such electronic device;”;

(7) after clause (vi-aaa), the following clauses shall be inserted, namely:-

“(vi-aab) “farmer-consumer market” means a market yard established under section 31E;

(vi-aac)“farmer-producer company(FPC)” means a company of farmer-producer members incorporated and registered as such with the Registrar of Companies under the Companies Act, 2013;

18 of 2013.

(vi-aad)“Government agency” means Government of Gujarat or its department concerned dealing with agricultural produce marketing or the Director or the Board, as the case may be;”;

(8) for clause (vii), the following clause shall be substituted, namely: -
“(vii)“general commission agent” a person who *bonafide* buys or sells agricultural produce on behalf of his principal, or facilitates buying or selling at primary and other level transactions on e-platform or any other mode of transaction and activities ancillary thereto, keeps it in his custody and controls it during the process of its sale or purchase and collects payment thereof, if required, from the buyer and pays it to the seller for an agreed commission, any agricultural produce on behalf of another person and does or offers to do anything necessary for completing and carrying out the transaction of such sale or purchase;”;

(9) for clause (ix), the following clause shall be substituted, namely:-

“(ix)”licence” means the license granted under the provisions of this Act;”;

(10) for clause (x), the following clause shall be substituted, namely:-

“(x) “licensee” means a person holding a license granted under the provisions of this Act;”;

(11) after clause (x), the following clause shall be inserted, namely:-

“(x-a) “livestock” means a cow, buffalo, bullock, bull, horse, donkey, camel, goat and sheep; and includes poultry, fish and such other animals and products thereof, as may be specified in the Scheduled; ”;

(12) in cluse (xii-a), after the words “sub-market yard”, the words “market sub-yard” shall be inserted;

(13) after clause (xii-a), the following clause shall be inserted, namely:-

“(xii-aa) “marketing” in relation to agriculture produce means all activities involved in the flow of agricultural produce from production point commencing at the stage of harvest till the same reaches to the ultimate consumers, viz. grading, processing, storage, transport, channels of distribution and all other functions involved in the process;”;

(14) after clause (xiii-a), the following clause shall be inserted, namely:-

“(xiii-aa) “market sub-yard” means warehouse, silos, cold storage enclosure building or such other structure or place or locality declared to be market sub-yard or deemed to be market sub- yard under section 7A;”;

(15) after clause (xiv-a), the following clause shall be inserted, namely:-

“(xiv-aa) “Market Yard of National Importance” means a market yard designated or notified as such under section 7AA;”;

(16) after clause (xv), the following clauses shall be inserted, namely:-

“(xv-a) “national agriculture market (NAM)” means an integrated market, without prejudice to any law for the time being in force, where buying and selling of notified agricultural produce and activities incidental thereto are carried out in India possessing marketing utility across time and space;

(xv-ab) “over trading” in relation to a trader means the amount exceeding the value of the notified agricultural produce purchased at any point of time vis-à-vis to the amount of security deposited with or the bank guarantee furnished to the market committee by the trader;

(xv-ac) “person” includes individual, a co-operative society, Hindu Undivided Family, a company or firm or an association or a body of individuals, whether incorporated or not;

(xv-ad) “petty trader” in relation to agricultural produce means a non licensee trader who carries on purchasing or selling of notified agricultural produce in the quantity not exceeding such quantity as may be notified by the Director;”;

(17) after clause (xvii-aaa) the following clause shall be inserted, namely:-

“(xvii-aab) “processing unit” means processing unit declared as market sub-yard under this Act;”;

(18) for clause (xvii-aaaa), the following clause shall be substituted, namely:-

“(xvii-aab) “registration” means registration made under this Act;”;

(19) after clause (xx), the following clauses shall be inserted, namely:-

“(xx-b) “seller” means a person who sells or agrees to sell agricultural produce for consideration of a price;

“(xx-c) “Schedule” means the Schedule appended to this Act;”;

(20) after clause (xxi), the following clause shall be inserted, namely:-

“(xxia) “silo” means silo declared as market sub-yard under section 7A;”;

(21) for clause (xxiii), the following clause shall be substituted, namely:-

“(xxiii) “trader” means a person who carries on the business of buying or selling of notified agricultural produce either for himself and includes a co-operative society, joint family or an association of persons whether incorporated or not which carries such business for the purpose of selling, processing, manufacturing, or for the any purpose, as the case may be, except for the purpose of domestic consumption by himself;”;

(22) after clause (xxiii-aa), the following clause shall be inserted, namely:-

“(xxiii-ab) “U T” means Union Territory as specified in the First Schedule to the Constitution of India;”;

(23) after clause (xxiii-aaa), the following clause shall be inserted, namely:-

“(xxiii-aab) “warehouse” means warehouse declared as a market sub-yard under section 7A;”.

**Amendment
of section 5 of
Guj.20 of
1964.**

4. In the principal Act, in section 5,-

(1) to sub-section (3), the following proviso shall be inserted, namely:-

“Provided that livestock market shall be established and operated under the rules as may be prescribed subject to the provisions of this Act.”;

(2) after sub-section (3), the following sub-section shall be inserted, namely:-

“(4) The State Government may hold consultations with local authorities, including Panchayati Raj Institutions who own and operate rural periodical markets or *haats* or any other such markets for marketing of agricultural

produce within their area of jurisdiction to bring such markets under the regulation of this Act, so as to develop these markets for efficiently function as marketing platform nearest to the farm gate.”.

5. In the principal Act, after section 5, the following section shall be inserted, namely:-

Insertion of new section 5A in Guj. 20 of 1964.

Declaration of whole State as one Unified Market Area.

“5A. Subject to the notification made under section 5 and after considering such objections and suggestions as may be received before the expiry of period as specified in the notification, State Government may, by notification in the *Official Gazette*, declare the whole State as one unified market area as specified in the said notification for the purposes of regulation of marketing of all or any of the kinds of notified agricultural produce specified in the notification issued under this Act.”.

6. In the principal Act, in section 7, -

Amendment of section 7 of Guj. 20 of 1964.

(1) in sub-section (1), for clause (ii), the following clauses shall be substituted, namely:-

“(ii) sub-market yards,
(ii-a) market sub-yards, if any, and;”;

(2) in sub-section (3), after the words “sub-market yards” the words market sub-yard” shall be inserted.

7. In the principal Act, after section 7, the following sections shall be inserted, namely:-

Insertion of new sections 7A and 7AA in Guj. 20 of 1964.

Declaration of warehouses, silos, cold storage as market sub-yard for de-notified agricultural produce.

“7A (1) The State Government may by notification in the *Official Gazette*, declare any place in the market area as the principal market yard or sub-market yard or market sub-yard or farmer consumer market yard, as the case may be, manage by a market committee, for the purpose of regulation of marketing of notified agricultural produce, expressly or impliedly in physical, electronic or such other mode under this Act.

Explanation.- In the sub-section the expression “place” shall include any structure, enclosure, open space locality, street including warehouse, silos, pack house, cleaning, grading and packaging and processing unit in the market area.

(2) The State Government may by notification in the *Official Gazette*, declare a “place” to be private market yard, private market sub- yard, private farmer-consumer market yard, as the case may be, for marketing of notified agricultural produce and livestock, expressly or impliedly in physical, electronic or other such mode under this Act.

Explanation.- In the sub-section the expression “place” shall include any structure, enclosure, open space locality, including warehouse, silos, pack house, cleaning, grading and packaging and processing unit and vested in the person licensed for the purpose under this Act.

(3) the owner of such warehouse, silos, cold storage or such other structure or place, as the case may be, desirous of declaration of such place as market sub-yard under sub-section (1) shall apply to the Director or an officer authorized in this behalf by him (hereinafter referred to as “authorized officer”) in such manner with such fee; for such period which shall not be less than three years, as may be prescribed.

(4) The licensee of such warehouse, silos, cold storage or such other structure or place, may collect market fee on notified agricultural produce and may collect user charge on de-notified agricultural produce transacted at the market sub-yard declared under sub-section (1) at the *ad valorem rate* not exceeding the rates as notified by the State Government:

Provided that no user charge shall be collected from agriculturists seller.

(5) The Licensee of such market sub- yard shall contribute, of such market fee, user charges collected, to the separate “Development Fund” account maintained by the Board at the rate in percentage at par with market committee. The Fund shall be utilized for the purposes and in the manner as provided *mutatis mutandis* in section 34 O.

7AA. The State Government may designate and notify any existing market yard established under section 7 as a “Market Yard of National Importance” or establish and notify any market as a “Market Yard of National Importance” after consideration of such aspects as total throughput, value, upstream catchment area, down-stream number of consumers served and special infrastructure requirements therefor:

**Establishment
of “Market
yard of
National
Importance.**

Provided that the market yard handling not less than such annual tonnage or such annual value, as may be prescribed, may be considered for conferring the status as the a “Market Yard of National Importance:

Provided further that out of such annual tonnage or such annual value, 30 per cent. may arrive from not less than two other States.”.

8. In the principal Act, in section 10, in sub-section (2),-

**Amendment
of section 10
of Guj. 20 of
1964.**

Bom. I of 1904.

(1) for the words and figures “the Bombay General Clauses Act, 1904”, the words and figures “the Gujarat General Clauses Act, 1904” shall be substituted;

Bom. I of 1904.

(2) the following provisos shall be added, namely:-

“Provided that no immovable or movable property the value of which exceeds the prescribed limits shall be acquired or disposed of by the Market Committee without the prior permission of the Director:

Provided further that the Director may, for the reasons to be recorded in writing, revoke such permission before the completion of the acquisition or execution of the deed, as the case may be:

Provided also that market committee may, with the prior approval of the Director and after obtaining valuation certificate from the prescribed officer enter into agreement with the owner of any land or building and purchase such land or building.”.

9. In the principal Act, in section 11,-

**Amendment
of section 11
of Guj.20 of
1964.**

(1) in sub-section (1),-

(a) in clause (i), for the word “eight”, the word “ten” shall be substituted;

(b) in clause (ii), for the words “by the traders holding general licences”, the words “by the commission agents or traders,

as the case may be whose licence granted or renewed under section 27 or 27A;” shall be substituted;

(c) in clause (iii), after the proviso, the following proviso shall be inserted, namely:-

“Provided further that for voting as well as for being elected to represent their respective class under clauses (i),(ii) and (iii) above, the person shall be eligible as a voter for any one market committee of the State and also eligible to represent the same market committee and no other market committee of the State in the manner as may be prescribed;”;

(2) after sub-section (4), the following sub-section shall be inserted, namely:-

“(4A) Save as otherwise provided in this Act, no elected person shall be a member of the market committee continuously for more than two terms:

**Guj. ...
of 2020.**

Provided that the existing elected member on the date of commencement of the Gujarat Agricultural Produce Markets (Amendment) Act, 2020, who has been continuously holding the office for more than two terms shall continue as a member till his term expires.”.

**Insertion of
new sections
11A to 11E in
Guj.20 of 1964.**

10. In the principal Act, after section 11, the following sections shall be inserted, namely :-

**Establishment
of market
committee of
Market Yard
of National
Importance.**

“11A. (1) Save as provided under section 11, the State Government may, by notification, in the *Official Gazette*, constitute a separate market committee for effective implementation of provisions of this Act for such market yard located in the State of Gujarat which is considered as the “Market Yard of National Importance (MNI) established under section 7AA.

(2) All provisions for and in relation to the Market Committee, including election of the Chairperson, Vice-Chairperson and members made in the Act, shall *mutatis mutandis* apply to the market committee constituted for “Market yard of National Importance.”.

(3) Save as provided under section 11, the market committee of Market Yard of National Importance shall consist of –

- (i) a Chairperson;
- (ii) a Vice-Chairperson;
- (iii) 10 (ten) Agriculturist;

out of which two agriculturists, one each from two other States where from arrivals are received in the MNI, to be nominated by the respective State Government on receipt of request for such nomination received from the State Government where MNI is located;

(iv) one trader holding the single unified licence, resident of a market area, elected from amongst the licensed traders resident of such market area;

(v) one trader holding the Inter-State trading licence nominated by the respective State Government;

(vi) one representative of licensed commission agent as the member in the prescribed manner;

(vii) the Adviser to the Government of India (Agricultural Marketing) or his nominee not below the rank of Under Secretary to the Government of India;

(viii) the Chief Executive Officer or Municipal Commissioner of the city or, as the case may be, the President of the Municipality or his nominee;

(ix) the Chief Town Planner or the authority exercising such powers or his nominee;

(x) the Director or his nominee *ex-officio*, not below the rank of Under Secretary to the Government of India;

(xi) the Managing Director of the Board, *ex-officio*, or his nominee not below the rank of Under Secretary to the Government of India;

(xii) the Executive Member, to be appointed by the State Government who shall function as the Secretary of the market committee;

11B. The Secretary of the market committee shall be appointed by the State Government from amongst the State Civil Service Officers at least with ten years of service or from the panel of professionals so maintained or on deputation from the State Government having experience of ten years in agricultural marketing.

Appointment and functions of market committee of MNI.

**Executive
Committee
of MNI.**

11C. (1) The Executive Committee for MNI shall consist of-

- (i) the Chairperson of MNI;
- (ii) the Vice-Chairperson of MNI;
- (iii) a trader holding the single unified licence of MNI;
- (iv) the Director or his nominee, *ex-officio*, not below the rank of Under Secretary to the Government of India;
- (v) the Managing Director of the Board, *ex-officio*, or his nominee not below the rank of the Under Secretary to the Government of India;
- (vi) the Executive Member of the market committee of MNI. who shall act as the Member-Secretary of the Executive Committee.

(2) In case of emergency, the Executive Committee may decide issues requiring approval of the market committee. However, such decision shall be approved by the market committee within forty-five days from the date such decisions are taken. In case the decision is not taken within the said time limit, or in the event of disapproval of such decision by the market committee, such decision shall stand null and void, so however, that any such disapproval shall be without prejudice to the validity of anything previously done under the decision of the Executive Committee:

Provided that if the market committee makes any modification in such decision, the decision shall have effect to the extent of modification from the date of such decision.

(3) The Executive Committee shall meet as often as necessary but at least once in a calendar month.

**Term of office
of members of
Executive
Committee of
MNI.**

11D. The Executive Committee of MNI shall be constituted from time to time as may be prescribed by the State Government.

**Provisions of
this Act shall
applied to
market yard of
National
Importance.**

11E. All other provisions of this Act, not specified for “Market yard of National Importance”, also shall *mutatis mutandis* apply to MNI established and notified under section 11A.”.

11. In the principal Act, in section 27,-

**Amendment of
section 27 of
Guj.20 of 1964.**

(1) in sub-section (1), the word “trader” shall be deleted;

(2) in sub-section (2), for the words “ commission agents, or traders”, the words “ or commission agents” shall be substituted.

12. In the principal Act, after section 27, the following section shall be inserted, namely: -

**Insertion of
new section 27A
in Guj.20 of
1964.**

**Grant or
renewal of
unified single
licence.**

“27A. (1) There shall be a single licence applicable to the whole of the State for the trader to be granted or renewed by the Director or the officer authorised by him in such manner and in such form, as may be prescribed, to operate as trader in any principal market yard, sub-market yard, market sub-yard, private market yard and sub-yard, e-trading platform or any other space identified for the purpose, in the State. The existing trader licences granted by the market committees shall be converted into State wide single trader licence by the Director or the officer authorized by him, within six months from the date of commencement of the Gujarat Agricultural Produce Markets (Amendment) Act, 2020. Until then, the existing trader licences granted by the market committees shall be deemed to have been the State wide single trader licences:

**Guj....of
2020.**

Provided that the licence fee shall be payable to the concerned market committee.

Explanation: Private market licensee or other such licensee or its management committee may, register the unified single trading licence holder issued by Director or the officer authorized by him, to allow to operate in such market yards.

(2) The Licences may be granted under sub-section (1) in such form, for such periods, on such terms and conditions and restrictions (including any provisions for prohibiting brokers and commission agents from acting in any transactions both as buyer and seller, or on behalf of both the buyer and seller, and provision for regulating advances, if any, to be made to agriculturist by brokers, commission agents or traders and any provisions for prescribing the manner in which and the places at which auctions of

agricultural produce shall be conducted and the bids made and accepted and places at which weighment and delivery of agricultural produce shall be made in any market area) as may be prescribed or determined by laws and on payment of fees determined by the market committee within such maxima as may be prescribed.

(3) The Director or the authorised officer may, after such inquiry as he deems fit to make and after giving, in the prescribed manner, the licensee a reasonable opportunity of being heard, suspend or cancel a licence issued under this section on any of the following grounds,-

- (a) that, the licence has been obtained through wilful misrepresentation or fraud;
- (b) that, the licensee himself or in collusion with other licensee commits any act or obtains from carrying on his normal business in the market with an intention to wilfully obstruct, suspend or stop the marketing of notified agricultural produce in any type of market and in consequence where of, the marketing of notified agricultural produce has been obstructed, suspended or stopped ;
- (c) that, the licensee is found to have contravened any of the provisions of this Act or the rules or bye-laws;
- (d) that, the licensee has been convicted of an offence punishable under this Act or rules or bye-laws ;
- (e) that, the licensee has become insolvent;
- (f) that, the licensee incurs any disqualification on grounds as may be prescribed.

(4) The holder of such licence shall, whose licence has been suspended or cancelled under this section shall forthwith produce the same to the Director or the authorised officer in this behalf for making endorsement in the prescribed manner; and he shall not be entitled to any claim on account of such suspension or cancellation any compensation or for the refund of the whole or any part of the licence fee.

(5) The holder of license whose licence has been suspended under this section may prefer an appeal to the State Government in the prescribed manner.

(6) If in respect of any holder of a licence, it appears to the Director that on any ground specified in sub-section (3), an action under that sub-section by the market committee was necessary but that the market committee has not taken any such action, the Director may, on any such ground and for reasons to be recorded in writing and after giving a reasonable opportunity to the holder of the licence to be heard, by order suspend or cancel any licence granted or renewed under this section.

(7) Any person aggrieved by an order refusing to grant or renew a licence or suspending or cancelling any licence may, appeal within thirty days from the date of communication of the order to him, to the State Government, if such order has been made by the Director or the authorised officer.

(8) The State Government after giving the appellant a reasonable opportunity of being heard, shall on such appeal make such order as it deem just and proper.

(9) Notwithstanding anything contained in sub-section (1), a licence holder shall be eligible as a voter for any of one market committee of the State and shall eligible to represent the same market committee and no other market committee of the State in the manner as may be prescribed.”.

13. In the principal Act, in section 28,-

**Amendment
of section 28
of Guj.20 of
1964.**

(1) in sub-section (1), for the words “the agricultural produce bought or sold in the market area”, the words “the agricultural produce bought or sold in the principal market yard, sub-market yard or market sub-yard either brought from outside the State or from within the State” shall be substituted;

(2) in sub-section (2), for the proviso to clause (b), the following proviso shall be substituted, namely:-

“Provided that in case any agricultural produce is found to have been processed, sold or resold or dispatched outside the principal market yard, sub-market yard or market sub-yard without payment of market fee, or user charges payable under clause (ii) of sub-section (3) of this section, on such produce, the market fee or user charges shall be levied and recovered two times of such leviable and recoverable amount.”;

(3) for the words “market area” wherever occur in section 28, the words “the principal market yard, sub-market yard or market sub-yard” shall be substituted.

Insertion of
new section
28AA in Guj
20 of 1964 .

14. In the principal Act, after section 28, the following section shall be inserted, namely:-

Levy of
entrance
fee on
vehicles.

“28AA. The market committee may levy and collect entrance fee on vehicles which may enter into market yard at such rate as may be specified in bye-laws:

Provided that no such fee shall be levied and collected from agriculturist-seller.”.

Insertion of
new section
28B in Guj.
20 of 1964.

15. In the principal Act, after section 28A, the following section shall be inserted, namely:-

Power to
write off
irrecoverable
fees, etc.

“28B. The market committee may write off any fee, user charges or the amount whatsoever due to it, whether under a contract or otherwise, or any amount payable in addition therewith if in its opinion such a fee, user charge or an amount is irrecoverable:

Provided that the market committee shall, before writing off any such fee, user charges or the amount, obtain the previous sanction of the Director, if the fee or amount exceeds rupees one lakh.”

Insertion of
new sections
30A and 30B
in Guj.20 of
1964.

16. In the principal Act, after section 30, the following sections shall be inserted, namely:-

Power to
remove
encroachment
in market
yard.

“30A. An officer or employee of a market committee duly empowered by the State Government in this behalf shall have power to remove any encroachment in the areas of the principal market yard and sub-market yard and the expenses of such removal shall liable to be paid by the person who has caused the said encroachment and the same shall be recovered in the same manner as an arrear of land revenue.

Use of
weighing
instruments,
weight and
measure, their
inspection.

30B. (1) The manual or electronic weighing instruments which complies the requirements of such weights and measures as are prescribed by the prevailing Act or the rules made thereunder shall be used for weighing or measuring agricultural produce as required, in the principal market yard, sub-market yard, market sub- yard, private market yard and farmer – consumer market yard:

Provided that in transactions of sale and purchase of agricultural produce, electronic balance may preferably be used.

(2) The Weighing instruments, weights and measures kept by the market committee under this section may from time to time be inspected, examined and checked by the Director or the Managing Director or the authorized officer.”.

17. In the principal Act, after section 31R, the following Chapters and sections shall be inserted, namely:-

**Insertion of
new Chapters
IVAA and
IVAAA in Guj.
20 of 1964.**

“CHAPTER-IVAA E-TRADING

31S.(1) No person shall establish and run any electronic trading platform for trading in notified agricultural produce without obtaining a licence under section 31T.

**Establishment
and promotion
of electronic
trading
platform.**

(2) Save as provided in sub-section (1), the State Government or its agency may, however, establish and run e-trading platform for trading in notified agricultural produce in the manner as may be prescribed.

31T.(1) Any person desirous of establishing an e-trading platform under section 31S, shall apply for grant of licence to the Director in such form and such manner along with such fee; and security or bank guarantee and subject to fulfilling such terms and conditions, as may be prescribed.

**Grant and
Renewal of
licence to
establish
electronic
trading
platform.**

(2) The application received under sub-section (1) for grant or renewal of license may be granted or rejected for reasons to be recorded in writing:

Provided that the application received under this section may be liable to be rejected for any of the reasons *mutatis mutandis* to the reasons specified in section 31F.

(3) The e-trading platform managed and operated by a person or the State Government or its agency, as the case may be, may provide all

infrastructures and services connected with e-trading, in the prescribed manner.

(4) The licensee or its management committee, may collect market fee for notified agricultural produce or user charges for those items of the agricultural produce which are not specified in the notification published under sub-section (1) of section 5 not exceeding the rates as may be prescribed by the State Government on transaction of sale on the e-trading platform:

Provided that no user charge shall be collected from agriculturist-seller.

(5) The licensee of e-trading platform shall contribute of such market fee or of such user charge collection, to the separate “Development Fund” maintained by the Board at the rate in percentage at par with market committee. The Fund shall be utilised for the purposes of development of common marketing infrastructure, skill development, training, research and pledge financing and such other activities as will aid in creating efficient marketing system in the State.

**Integration of
warehouses,
silos, cold
storages or such
other
structure or
place, declared as
market sub-yard
to
e-platform.**

31U. A licence holder under section 7A for market sub-yard, desirous to link to e-platform of the Government of India, may apply, through the State Government or its agency, to the Government of India, Department of Agriculture, Co-operation and Farmers’ Welfare, in such form, along with such fee and in such manner, as may be prescribed by the Central Government.

**Integration of
of private
market.**

31V. A licensee of private market yard desirous of integrating with e-trading portal, may apply through the State Government or its agency to the Central Government in such manner as may be prescribed by the Central Government.

**Inter-
operability
of e-trading
platforms.**

31W. In order to evolve a unified National Agricultural Market and integrate various e-platforms, the applications in the e-platform shall be inter-operable as per specifications and standards laid down by the Director

subject to the directions of the Central Government.

31X.(1) Notwithstanding anything contained in this Act, the payment of notified agricultural produce traded on e-platform shall be made in the same day of the sale transaction to the seller or in the maximum next day, if procedurally so required. In procedural exigencies on electronic trading, the payment to the seller may be made in such manner, as may be prescribed.

Payment to sellers and maintenance of accounts.

(2) The licensee or the market committee, as the case may be, shall maintain proper accounts of all the transactions taken place on electronic platform (e-platform) and submit such periodical reports and returns to the Managing Director or the authorized officer, at such time and in such forms, as may be prescribed by the Director, from time to time.

31Y.(1) The Director may, for the reasons to be recorded in writing suspend or cancel the licence granted under section 31T, if-

Suspension or cancellation of licence of electronic trading platform.

- (a) the licence has been obtained through wilful misrepresentation or fraud; or
- (b) the holder of licence or his representative or anyone acting on his behalf with his expressed or implied permission, commits a breach of any of the rules, regulations and terms or conditions of licence; or
- (c) the holder of licence himself or in combination with other licence holder commits any act or abstains from carrying on his normal business in the market area with the intention of wilfully obstructing, suspending or stopping the marketing of notified agricultural produce; or
- (d) the holder of the licence has become insolvent; or
- (e) the holder of the licence incurs any disqualification, as may be prescribed; or
- (f) the holder of the licence is convicted of any offence punishable under this Act.

(2) No licence shall be suspended or cancelled under this section without giving a reasonable opportunity of being heard to its holder.

**Redressal of
Disputes
settlement.**

31Z. Any dispute arising between licensees of e-trading platforms, under section 31T or between the licensees and market committee or the State agency shall be referred to the Director or the authorized officer, and the Director or the authorized officer shall in summary manner within thirty days, after giving the parties a reasonable opportunity of being heard resolve the dispute and the decision of the Director or the authorized officer shall be final.

**Dispute
settlement
with regard
to Inter-State
trade
transactions.**

31ZA. In case of any dispute arising out of inter-State trade transaction on e-platform or any other platform, the State Government may become part of such Authority, which may be constituted by the Central Government.

CHAPTER-IVAAA REGULATION OF TRADING

**Sale-
transaction of
notified
agricultural
produce and
livestock.**

31ZB. (1) All notified agricultural produce shall ordinarily be sold in the principal market yards, sub-market yards and market sub- yards, private market yards or at the electronic trading platforms licenced under this Act:

Provided that the notified agricultural produce may be sold at other places also to a licence holder especially permitted by a market committee in this behalf under this Act.

(2) In relation to agricultural produce, nothing in the sub-section (1) shall apply to the following sale and purchase where –

(i) sale is made by the producer himself to any person for his domestic consumption in quantity up to such limits as may be prescribed;

(ii) brought for sale by head load;

(iii) purchase and sale is made by a petty trader;

(iv) purchase is made by an authorised fair price shop dealer from the Food Corporation of India, (FCI) “the State Civil Supplies Corporation” or any other agency or institution authorized by the Central or the State Government for distribution of essential commodities through the public distribution system; and

(v) the transfer of such agricultural produce to a co-operative society for the purpose of securing an advance therefrom.

(3) In relation to livestock, nothing in the sub-section (1) shall apply to the business of purchasing or selling of livestock not exceeding such value and numbers as may be prescribed.

(4) The price of the notified agricultural produce, brought for sale in the principal market yards, sub-market yards, private market yards, market sub-yards, electronic trading platform shall be settled by tender bid or open auction including e-auction and no deduction shall be made from the agreed price on any account whatsoever from the seller.

(5) Weighment or measurement or counting of all the notified agricultural produce so purchased shall be done by such person and in such manner as provided in the Bye-laws or, at any other place specified for the purpose by the market committee.

31ZC. (1) Except in the commercial transaction between two traders, any other person who buys notified agricultural produce in the principal market yards, sub-market yards and market sub-yards, shall execute an agreement (*kabala*) in triplicate in such form, as may be prescribed. One copy of the agreement(*kabala*) shall be kept by the buyer, one copy shall be supplied to the seller and the remaining copy shall be kept in the record of market committee or as the case may be the managing body.

Terms and conditions and procedure of buying and selling.

(2) The price of the notified agricultural produce transacted in the principal market yards, sub-market yards, private market yards, market sub-yards or at e-platforms shall be paid on the same day to the seller or in the maximum next day if procedurally so required. Payment on notified agricultural produce shall also be made to agriculturist-seller, licensee of the direct marketing, if sold on the same day there itself.

(3) The Commission agent shall recover his commission from his principal trader at the rate not exceeding two percent *ad valorem* on transaction of

non- perishable agricultural produce; while in case of perishable agricultural produce, it shall not exceed four percent *ad-valorem* on transaction of agricultural produce, including all expenses as may be incurred by him in storage of the agricultural produce and other services rendered by him:

Provided that no commission shall be collected from farmer-seller.

**Recognition
of unified
single trading
licence
granted/
renewed by
other States.**

31ZD.(1) Notwithstanding anything contained in this Act, the State Government may allow the holder of unified single trading license bearing unicode, issued by any other State or Union Territory to undertake trade transaction within its geographical jurisdiction on e-platform or any other format including physical that may be in operation, as a trader, in the manner as may be prescribed.

(2) Such licensee shall be liable to pay the market fee and other marketing charges at the rate applicable in the State of Gujarat for the transactions of trade taken place in the State of Gujarat in the manner as may be prescribed.

(3) In case of contravention of any of the provisions of this Act or the rules or bye-laws or any direction, the Director or the Managing Director or market committee, as the case may be, shall, after giving an opportunity to be heard, prohibit such licensee for trading purpose only within their respective jurisdiction, where a contravention has occurred, for a certain period or forever based on the gravity of breach or violation of provisions of this Act or the rules or the bye-laws or directions.

(4) The Director or the Managing Director of market committee of the respective jurisdiction, wherein the contravention has occurred, may simultaneously submit a proposal containing details of the type and nature of contravention with evidence, to the concerned authority of the licence issuing State for taking further appropriate action against the licensee.”.

**Amendment of
section 34M of
Guj. 20 of 1964.**

18. In the principal Act, for section 34M, the following section shall be substituted, namely:-

“**34M.**(1) Every market committee shall pay to the Board as contribution an amount equal to such percentage of its income not exceeding two per cent. of its income derived from licence fee and market fee as may be prescribed from time to time by the State Government.

**Contribution
to be paid to
Board.**

(2) Every licensee of private market yard, private market sub-yard, e-trading platform and direct marketing purchaser shall contribute of its income derived from licence fee and market fee at such rate not exceeding two per cent, in the manner as may be prescribed, to the “Development Fund” maintained by the Board. Out of the said contribution Eighty per cent. shall be given to the concerned local market committee and twenty per cent. shall be retained by the Board as the Development Fund.

(3) The State Government may, every year, make payment to the Board, by way of contribution or grants of an amount not less than five per cent. of the aggregate amount contributed to the Board by the market committees under this section.

(4) The Board may spend the fund, so maintained under sub-section (2), in development of common marketing infrastructure, skill development, training, research and pledge financing and for such other activities as would aid in creating an efficient marketing system in the State.”.

19. In the principal Act, after section 42, the following section shall be inserted, namely:-

**Insertion of new
section 42A in
Guj.20 of 1964**

“**42A.** (1) No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with.

**Bar of
jurisdiction
of civil
courts.**

(2) No court shall take cognizance of an offence under this Chapter, except upon a complaint made by the Director or the Managing Director or by any other officer authorized by him in this behalf.”.

Insertion of new section 43A in Guj.20 of 1964. 20. In the principal Act, after section 43, the following section shall be inserted, namely:-

Compounding of offences. “43A. (1) The market committee may accept a sum of money as decided by it from any person who has contravened any of the provisions of the Act, the rules or the bye-laws, made thereunder by way of compounding of such offence where the offence consists of the failure to pay or the evasion of any fee, user charge, or other amount leviable and recoverable under this Act, the rules or the bye-laws in addition to the fee, user charge or other amount so leviable and recoverable, a sum of money not less than the amount of the fee or other amount and not more than two times the amount of fee or other amount.

(2) On compounding of any offence under sub-section (1), no proceedings shall be taken or continued against the person concerned in respect of such an offence, and if any proceedings in respect of that offence have already been instituted against him in any court, the compounding shall have effect of dropping of charges against him.”.

Amendment of section 47 of Guj.20 of 1964. 21. In the principal Act, in section 47, after sub-section (2), the following sub-sections shall be added, namely:-

“(3) Where the Director is satisfied that the books of accounts and records of a market committee are likely to be suppressed, tampered with or destroyed, or the funds and property of a market committee are likely to be misappropriated or misapplied, the Director may by order direct for seizure and taking possession of the books of accounts, records and property of the market committee.

(4) On receipt of the order under sub-section (3), the police officer not below the rank of Sub-Inspector of the local area shall enter and search any place where the records and property are kept or are likely to be kept and to seize them and hand over possession thereof to the Director or the person authorised by him, as the case may be.”.

22. In the principal Act, after section 49, the following section shall be inserted, namely:-

Insertion of new section 49A in Guj.20 of 1964.

“49A. (1) The market committee may, with the previous sanction of the Director, raise money from banks, Government approved financial institutions, required for carrying out the purposes for which it is established on the security of any property vested in it and of any fees or user charge leviable by it under this Act.

Power to borrow.

(2) The market committee may, for the purpose of meeting the initial expenditure on lands, buildings, staff and equipments required for establishing the market, obtain a loan from the State Government or the Board or other approved financial institution.

(3) The terms and conditions subject to which money or loan shall be raised or obtained under sub-sections (1) or (2) and the time limit within which the same shall be repayable shall be subject to the previous sanction of the Director.”.

23. In the principal Act, in section 58, in sub-section (1), -

Amendment of section 58 of Guj.20 of 1964.

(i) after the words “against a market committee” the words “or the Director or the Managing Director or the officer of the State Government” shall be substituted;

(ii) after the words “and in case of”, the words “the Director or the Managing Director or the officer of the State Government or” shall be substituted.

24. In the principal Act, after section 58, the following section shall be inserted, namely:-

Insertion of new section 58A in Guj.20 of 1964.

Power to remove difficulty in giving effect to provisions of Guj. of 2020.

“58A. (1) If any difficulty arises in giving effect to the provisions of the Gujarat Agricultural Produce Markets (Amendment) Act, 2020, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of the said Act, as appears to it to be necessary or expedient for removing the difficulty:

Guj..... of 2020.

Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of the said Act.

- (2) Every order made under this section shall, as soon as may be, after it is made, be laid before the State Legislature.”.

**Amendment
of section 59 of
Guj. 20 of
1964.**

- 25.** In the principal Act, in section 59, in sub-section (2), before clause (i), the following clauses shall be inserted, namely:-

- “ (ia) the form, manner and fee for application by the owner of warehouse, cold storage or such other structure or place for declaration such place as sub-market yard under section 7A;
- (iaa) the value of immovable or movable property exceeding which the market committee cannot acquire or dispose of it without the prior permission of the Director under section 10;
- (iab) the manner of electing the representative of licensed commission agent under clause (vi) of sub-section (3) of section 11A;
- (iac) the manner of establishing and running e-trading platform for trading in notified agricultural produce under sub-section (2) of section 31S;
- (iad) the form, the manner, the fee, the security or bank guarantee for granting or renewing licence to establish e-trading platform on such terms and conditions under sub-section (1) of section 31T;
- (iae) the infrastructures and the services and the manner for providing it under sub-section (3) of section 31T;
- (iaf) the manner of payment to the seller of notified agricultural produce traded on e-platform under sub-section (1) of section 31X;
- (iag) the time, manner and forms in which the licensee or the market committee shall maintain accounts and submit it to

- the Managing Director or the authorised officer under sub-section (2) of section 31X;
- (iah) the disqualifications that may be incurred by the holder of the licence that may be reason to suspend or cancel the licence under clause (e) of sub-section (1) of section 31Y;
- (iai) the limit of quantity up to which the notified agricultural produce could be sold or purchased out of the principal market yards, sub-market yards and market sub-yards private markets yards or at the e-trading platforms under clause (i) of sub-section (2) of section 31ZB;
- (iaj) the limit, the value and numbers of livestock in business of purchasing and selling of it, under sub-section (3) of section 31ZB;
- (iak) the form of agreement to be executed under sub-section (1) of section 31 ZC;
- (ial) the manner to allow the holder of unified single trading licence to undertake trade transaction under section 31ZD;
- (iam) the market fee and other marketing charges payable by the licensee under section 31ZD;
- (ian) the manner of contribution to the Development Fund under section 34M;”.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Agricultural Produce Markets Act, 1963 has been amended from time to time in the State of Gujarat with a view to keeping in mind the central idea of the welfare of farmers as well as traders. Modern trading and marketing practices have been changed a lot with the great advantages by way of electronic virtual market and a big improvement in logistic and infrastructural facilities. The Government of India had constituted a Committee in 2016 to examine and address the entire segment of post production activities and to recommend a Model Act. The main idea behind this is to create a conducive environment for healthy competition, by enabling multiple channels of marketing without letting anyone including Government led APMC to hold sway as a monopoly. With this the farmer-producer will come to be unchained to carry his produce to any market and sell to whoever offers him a better price. The model Act prepared and forwarded to all the State and UT is not just addresses marketing of field crops but also covers livestock, poultry, fisheries etc. The Central Government has recommended to make all the States and UTs to adopt necessary changes to suit the local variations while all the time, ensuring that the spirit of competition is encouraged and the principle of “Farmer first” is kept in mind.

In the State of Gujarat, prior to the Gujarat Agricultural Produce Markets Act, 1963, the Bombay Agricultural Produce Markets Act 1939 and the Saurashtra Agricultural Produce Markets Act 1955 were in force. So the State of Gujarat always remains front runner in this sphere of farmer welfare legislation. Gujarat has updated its APMC Act 1963 not less than 11 times by way of amendments so as to keep pace with modern requirement of co-operative marketing and for promotion and facilitating the farmers friendly environment.

In view of the suggested modern draft Act by the expert committee Government of India some amendments are proposed in the Gujarat Agricultural Produce Markets Act 1963. It is also proposed to bring

marketing of livestock such as cow, buffalo, bullock, bull, goat and sheep, etc. and also poultry and fish under the ambit of this Act.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain in brief some of the important provisions of the Bill:-

Clause 1 :- This clause provides for short title and commencement of the amending Act.

Clause 2 :- This clause amends the short title of the Gujarat Agricultural Produce Markets Act 1963.

Clause 3:- This clause defines certain terms used in the Bill.

Clause 4:- This clause provides for bringing rural periodical markets or *haats* under the regulation of this Act and also for establishment of livestock market in the manner as provided therein.

Clause 5:- This clause proposes to insert a new section 5A in the Act, which empowers State Government to declare by notification, the whole State as one unified market area.

Clause 7:- (a) This clause proposes to insert a new sections 7A and 7AA in the Act which provides for establishment of market area as the principal market yard or sub-market yard or market sub-yard or farmer- consumer market yard by the State Government, by declaring any 'place' such as any structure, enclosure, open space locality, street including warehouse, silos, pack house, cleaning, grading and packaging and processing unit in the market area managed by a market committee, by issuing the notification in the *Official Gazette*, for the purpose of regulation of marketing or notified agricultural produce and livestock; as also a private market yard, private market sub-yard, private farmer consumer market yard.

(b) It also provides for the manner of making application for declaring of the places as market sub-yards to the Director, levy of user charge and contribution payable by the licensee to the 'Development Fund';

(c) New section 7AA also provides for establishment of any existing market yard established under section 7 as “Market Yard of National Importance” or establish and notify any market as “Market Yard of National Importance” in the manner as specified therein and after the consideration of aspects such as total throughput, value, upstream catchment area, down-stream number of consumers served and special infrastructure requirements therefor.

Clause 8:- This clause proposed to insert a proviso to section 10 of the Act whereby it is proposed that no immovable or movable property, the value of which exceeds the prescribed limit shall be acquired or disposed of by the market committee without the prior permission of the Director; it also provides for purchase of any land or building and entering into an agreement with the owner of such land or building.

Clause 9:- This clause proposes to amend section 11 of the Act, by which the representation of the agriculturist which is at present ‘eight’ is proposed to increase to ‘ten’ members in the market committee. It also provides that no elected person shall be a member of the market committee continuously for more than two terms.

Clause 10:- (a) It is proposed to insert a new section 11A by this clause which provides for constitution of a separate market committee for such market yard located in the State which may be considered as a ‘Market Yard of National Importance (MNI)’ by the State Government by notification in the *Official Gazette*. It also provides that the provisions of the election the Chairperson, Vice-chairperson and members of market committee as are in force shall also be applied in constitution of a separate market committee for MNI;

(b) The new sections 11B, 11C, 11D and 11E, respectively provides for appointment and functions of the market committee, constitution of Executive Committee of MNI and the term of its members. It also provides that all other provisions of the existing Act shall apply to the market committee of MNI.

Clause 12:- This clause proposes to insert new section 27A of the Act, which provides for grant, renewal, suspension or cancellation of single unified licence.

Clause 13:- This clause proposes to amend the provision of section 28 to the effect that in case any agriculture produce is sold or dispatched outside the market area without payment of market fee payable, or for the evasion of any fee, user charges or other amount recoverable under this Act or the rules or bye-laws, in addition to the fee, user charges or other amount so recoverable, a sum of money not less than the amount of the fee or other amount so recoverable and not more than two times the amount of fee or other amount so recoverable.

Clause 14.— New section 28AA proposed to be inserted by this clause provides for levy and collect entrance fee on vehicles entering into market yard at the rate prescribed by bye-laws but no such fee shall be levied from agricultural seller.

Clause 15.— New section 28B proposed to be inserted by this clause provides that the market committee may write off any fee, user charges or other amount due to it, under a contract or otherwise, or any amount payable in addition therewith if in its opinion such an amount is irrecoverable by it. The previous sanction of the Director would require, if the amount exceeds rupees one lakh

Clause 16.—(a) New section 30A proposed to be inserted by this clause provides for removing any encroachment in the principal and sub- market yard and recover the expenses incurred for such removal from the concerned person as an arrear of land revenue by the any officer or employee authorized by the State Government.

(b) New section 30B provides for use of weighing instruments, in the weighing or measuring agricultural produce in the principal market yard, sub-market yard, market sub- yard, private market yard and farmer–consumer market yard and inspection examination and checking by the Director or the Managing Director or the authorized officer.

Clause 17.- This clause proposes to insert new ‘Chapter IVAA’ relating to e-trading and ‘Chapter IVAAA’ relating to regulation of trading. The provisions of the new Chapters, in brief, are as under:

- (i) New section 31 S provides that no person shall establish and run the electric trading platform (e-trading platform) for notified agricultural produce and livestock without obtaining a licence under section 31 T;
- (ii) New section 31 T provides for manner of grant and renewal of licence for e-trading platform under section 31 S;
- (iii) New section 31 U provides for the manner of integration of warehouses, silos, cold storages or such other structure or place as market sub-yard to e-platform;
- (iv) New section 31 V provides for manner of integration of licensee of private market yard with e-trading portal;
- (v) New section 31 W provides for the manner for inter operability of unified National Agricultural Market with various e-platforms, applications in the e-platform as per specifications and standards laid down by the Director subject to the directions of the Central Government;
- (vi) New section 31 X provides for the manner of making payment of the notified agricultural produce and live stock trading on the e-platforms, to sellers and maintenance of proper accounts all transactions thereof;
- (vii) New Section 31 Z provides for the power of the Director or the authorized officer for redresses of disputes in summary manner between a licensee of e-trading platform or between the licensee and market committee or the State agency.
- (viii) New Section 31 ZA provides for settlement of disputes with regard to inter-State trade transactions for which the Central Government

shall constitute the authority; and the State Government may become a part of the said authority;

- (ix) New Section 31 ZB provides for regulation of sale-transaction of notified agricultural produce and livestock in the principal market, sub-market yards and market sub-yards, private markets yards or e-trading platforms ;and manner of settlement of tender bid as also shall prices of the notified agricultural produces and livestock;
- (x) New Section 31 ZC provides for terms and conditions and procedure of buying and selling in commercial transactions between two traders and the manner of execution of agreement for the purpose and mode of payment of the notified agricultural produce. It also provides for recovery of commission by the commission agent at the prescribed rate ad-valorem on perishable and non-perishable agricultural produce;
- (xi) New section 31 ZD provides for the recognition of unified single trading license granted by other States/UT to undertake trade transactions within the State on e-platform and physical transactions in the prescribed manner; and payment of market fee and other marketing charges at the applicable rates, in the prescribed manner. It also provides for prohibiting such licensee from trading for the reasons of contraventions of the provisions of the Act or the rules or bye-laws or any directions issued in this behalf.”.

Clause 18.- It is proposed to amend section 34M relating to special market and special commodity market provides for,-

- (a) payment by every market committee, as contribution of its income derive from licence fee and market fee at the prescribed rate by the State Government, to the Board; and
- (b) payment by every licensee of private market yard, private market sub-yard, e-trading platform and direct marketing purchaser every licensee of private market yard, private market sub-yard, e-trading platform and direct

marketing purchaser as contribution of its income derived from licence fee and market fee at the prescribed rate by the State Government in the prescribed manner to “Development Fund” maintained by the Board;

(c) utilization of the fund by the Board for development of common marketing infrastructure, skill development, training, research and pledge financing and for such other activities.

Clause 19.- Section 42A proposed to be inserted by this clause provides for bar of jurisdiction of civil courts.

Clause 20.- It is proposed to insert a new section 43A which provides for compounding of offences by the markets committee relating to payment of fees, evasion of fees, user charges and such other amount recoverable by it in the manner stated therein.

Clause 21.- Sub-section (3) and (4) proposed to be inserted in section 47 by this clause provides that the Director shall have power to seize and take possession of books of accounts of a market committee where he is satisfied that it is likely to be suppressed, tampered or destroyed the books of accounts or records of committee. It also empowers the police officer to enter and search and seize the records and books of accounts.

Clause 22.- New section 49A proposed to be inserted in the said Act by this clause provides for raising money from banks, Government approved financial institutions for carrying out the purposes for which it is established or for the purpose of meeting the initial expenditure on lands, buildings, staff and equipments required for establishing the market, subject to the previous sanction and such terms and conditions as may be sanctioned by the Director.

Clause 23.- It is proposed to amend section 58 so as to include the Director or the Managing Director for giving notice before any suit or proceedings are instituted for anything done or purporting to be done in good faith under this Act.

Clause 24.- New section 58A proposed to be inserted by this clause empowers the State Government to remove any difficulty within a period of two years of commencement of this Act, that may arise in giving effect to the provisions of this Act.

Clause 25 .- It is proposed to amend section 59 so as to empower the State Government to make rules for the matters specified therein.

ISHWARSINH PATEL,

FINANCIAL MEMORANDUM

Sub-section (2) and sub-section (3) of section 31S proposed to be inserted in the Act by clause 17 of the Bill provide that the State Government or its agency may establish and run e-trading platform for e-trading in notified agricultural produce and also for providing all infrastructures and services connected with e-trading. The Bill, if enacted and brought into operation would involve expenditure from the Consolidated Fund of the State.

On account of the proposed amendment some financial liability of the State Government will arise if State Government has to establish and run e-trading platform. At present there is no proposal under consideration with the State Government to establish any e-trading platform. Estimated cost of establishing e-trading platform, providing infrastructure and services can be calculated as and when only it is to be established. Therefore, at present, it is not possible to assess an estimate of recurring or non-recurring expenditure from the Consolidated Fund of the State.

ISHWARSINH PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respect:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the Act shall come into force; and it also empowers State Government to appoint different dates for different provisions of the Act.

(i) clause (x-a) proposed to be inserted in section 2 of the Act by sub-clause (11) empowers the State Government to specify such other animals or products as the livestock;

(ii) clause (xv-ad) proposed to be inserted in section 2 of the Act by this clause empowers the State Government or the Director to notify quantity not exceeding such quantity for which agricultural produce may be traded by non-licensee trader.

Clause 4.- Proviso to sub-section (3) in section 5 proposed to be inserted by this clause empowers the State Government to prescribe the rules regarding establishment and operation of livestock market by notification in the *Official Gazette*.

Clause 5.- New Section 5A proposed to be inserted by this clause empowers the State Government by notification in the *Official Gazette* to declare whole State as one 'Unified Market Area' for the purposes of marketing of all or any agricultural produce as specified in the notification.

Clause 7.- (i) Sub-section (1) of new section 7A proposed to be inserted by this clause empowers the State Government to declare in the manner a warehouse, silos, cold storage and such other structure of place with infrastructure and facilities as market sub-yard;

(ii) sub-section (3) of new section 7A proposed to be inserted by this empowers the State Government to prescribe by rules, the form, fee and manner for making application by the owner of warehouse, cold storage or other structure, to declare it as sub-market yard;

(iii) New section 7AA proposed to be inserted by this clause empowers the State Government to designate and notify any existing market yard

established under section 7 as 'Market Yard of National Importance' or establish and notify any market as such after considering the aspects as specified in it in the manner prescribed for this purpose in the rules.

Clause 8.-The first and third proviso proposed to be inserted in sub-section (2) of section 10 by this clause empowers the State Government to prescribe the limits of the value of movable and immovable property exceeding which prior permission of the Director shall be required for acquiring or disposing it. It also empowers the State Government to prescribe the officer for valuation certificate.

Clause 10.- (i) Sub-section (1) of new section 11A proposed to be inserted by this clause empowers the State Government by notification to constitute a separate market committee for the market yard located in the State as the 'Market Yard of National Importance (MNI);

(ii) clause (iv) of sub-section (3), of section 11A empowers the State Government to prescribe the qualifications of trader for being elected in market committee;

(iii) clauses (v) and (vi) of sub-sections (3), of section 11A empowers the State Government to prescribe the manner of electing member of the market committee;

(iii) section 11D proposed to be inserted by this clause empowers the State Government to prescribe by rules for the term office of the members of the executive committee.

Clause 12.- (i) sub-section (2) of section 27A proposed to be inserted by this clause empowers the State Government to prescribe the forms, time, period and terms and conditions for unified single licence under that section. The maximum fee for the same shall be determined by the market committee;

(ii) sub-section (4) of section 27A empowers the State Government to prescribe the manner in which endorsement on cancellation of licence shall be made;

(iii) sub-section (5) of section 27A empowers the State Government to prescribe the manner in which appeal shall be made in the State Government;

(iv) sub-section (9) of section 27A empowers the State Government to prescribe by rules, the manner in which a licence holder shall be eligible as a voter for any of the one market committee of the State and shall eligible to represent the same market committee.

Clause 17.- The following new sections proposed to be inserted by this clause empowers the State Government or the Director as under:

(i) Section 31 S empowers the State Government to prescribe the manner in which establishment and running of e-trading platform in notified agricultural produce can be done;

(ii) (a) sub-section (1) of section 31T empowers the State Government to prescribe the form, manner and fee; and security guarantee or bank guarantee and other terms and conditions for establishment of an e-trading platform and making application for grant or renewal of licence to the Director;

(b) sub-section (3) of section 31T empowers the Director to prescribe the manner in which all infrastructure and services connected with e-trading shall be provided;

(iii) (a) sub-section (1) of section 31X empowers the State Government to prescribe by the rules for making payment on e-trading transaction on notified agricultural produce and livestock;

(b) sub-section (2) of section 31Y empowers the Director to prescribe the form in which the accounts of transactions taken place in e-trading platform shall be maintained and the time limit within which periodical returns and reports shall be submitted to the Managing Director or the authorised officer;

(iv) clause (e) of sub-section (1) of section 31Y empowers the State Government to prescribe by rules the disqualifications for which the licence granted under section 31T may be suspended or cancelled;

(v) (a) clause (i) of sub-section (2) of section 31ZB empowers the State Government to prescribe the limit of quantity up to which sell can be made by the producer to any person for his domestic consumption at any other place;

(b) sub- section (3) empowers the State Government to prescribe by the rules which shall not apply in relation to business of purchasing or selling of livestock not exceeding such value and numbers;

(vi) section 31ZC empowers the State Government to prescribe by the rules, the form of agreement to be executed by the traders;

(vi) (a) sub-section(1) of new section 31ZD empowers the State Government to prescribe the manner in which the holder of unified single trading licence can undertake trade transactions on e-trading platform and physical operation;

(b) sub-section (2) of new section 31ZD empowers the State Government to prescribe the manner and the rates of payment of market fee and other marketing charges for transactions taken place by unified single trading licence.

Clause 18.- Section 34M empowers the State Government to prescribe the rules and the manner for making payment from the income derived from licence fee and market fee by every market committee in the ‘Development Fund’ at the rate not exceeding of two per cent. of its income as may be prescribed;

Clause 24.- New section 58A proposed to be inserted by this clause empowers the State Government for removing any difficulty which may arise in giving effect to the provisions of the Gujarat Agricultural Produce Markets (Amendment)Act, 2020 by order publishing in the *Official Gazette*.

The delegation of legislative power as aforesaid is necessary and is of normal character.

Dated the 21st March, 2020.

ISHWARSINH PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar

Dated the 23rd March, 2020

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT LAND GRABBING (PROHIBITION) BILL, 2020.

GUJARAT BILL NO. 11 OF 2020.

A BILL

to prohibit land grabbing activities and connected matters in the State of Gujarat.

It is hereby enacted in the Seventy-first year of the Republic of India as follows:

1. (1) This Act may be called the Gujarat Land Grabbing (Prohibition) Act, 2020.

Short title,
extent and
commencement.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions. 2. In this Act, unless the context otherwise requires,-

- (a) "Committee" means a committee, notified, from time to time by the State Government under the chairmanship of District Collector for the purposes of this Act;
- (b) "Government" means the Government of Gujarat;
- (c) "land" includes rights in or over land, benefits to arise out of land, and buildings, structures and other things attached to the earth or permanently fastened to anything attached to the earth;
- (d) "land grabber" means a person or a group of persons who commits land grabbing and includes any person who gives financial aid to any person for taking illegal possession of lands or for construction of unauthorized structures thereon, or who collects or attempts to collect from any occupiers of such lands rent, compensation and other charges by criminal intimidation, or who abets the doing of any of the above mentioned acts, and also includes the successors-in-interest;
- (e) "land grabbing" means every activity of land grabber to occupy or attempting to occupy with or without the use of force, threat, intimidation and deceit, any land (whether belonging to the Government, a Public Sector Undertaking, a local authority, a religious or charitable institution or any other private person) over which he or they have no ownership, title or physical possession, without any lawful entitlement and with a view to illegally take possession of such land or creating illegal tenancies or lease or licence, agreements or transfer or sale or by constructing unauthorized structures thereon for sale or hire or use or occupation of such unauthorized structures and the term "grabbed land" shall be construed accordingly;
- (f) "person" includes a group or body of persons, an association or a company, or a religious or charitable institution or endowment, whether incorporated or not;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) 'Special Court' means a Special Court constituted under section 7;
- (i) "unauthorized structures" means any structure constructed, without express permission in writing of the competent authority, or except in accordance with any law for the time being in force in the area.

Land grabbing to be unlawful. 3. The land grabbing in any form shall be prohibited and declared unlawful and any activity connected with or arising out of land grabbing shall be an offence punishable under this Act.

4. (1) No person shall commit or cause to be committed land grabbing, by himself or through any other person.

Prohibition of land grabbing.

(2) Any person who, on or after the commencement of this Act, continues to be in occupation, otherwise than as a lawful tenant, of a grabbed land belonging to the Government, local authority, religious or charitable institution or endowment or other private person, shall be guilty of an offence under this Act.

(3) Whoever contravenes the provisions of sub-section (1) or sub section (2) shall on conviction, be punished with imprisonment for a term which shall not be less than ten years but which may extend to fourteen years and with fine which may extend to *Jantri* value of such properties.

5. Whoever, with a view to grabbing land in contravention of the provisions of this Act or in connection with any such land grabbing,-

Penalty for other offences in connection with land grabbing.

- (a) sells or allots, or offers or advertises for sale or allotment, or has in his possession for the purpose of sale or allotment any land grabbed;
- (b) instigates or incites any person to commit land grabbing;
- (c) uses any land grabbed or causes or permits knowingly to be used for purposes, connected with sale or allotment; or
- (d) enters into an agreement for construction of any structure or buildings on such land;
- (e) causes or procures or attempts to procure any person to do any of above mentioned acts;

shall, on conviction, be punished with imprisonment for a term which shall not be less than ten years but which may extend to fourteen years and with fine which may extend to *Jantri* value of such properties.

6. (1) If the person contravening the provisions of this Act is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the

commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:— For the purposes of this section:-

(a) "Company" means anybody corporate and includes firm or other association of individuals; and

(b) "Director" in relation to a firm, means a partner in the firm.

**Constitution of
Special Courts.**

7. (1) The State Government may, with the concurrence of the Chief Justice of the High Court of Gujarat, by notification in the *Official Gazette* constitute one or more Special Courts for such area or areas, or for such cases or class or group of cases, as may be specified in the notification.

(2) Where any question arises as to the jurisdiction of any Special Court, it shall be referred to the State Government, whose decision in the matter shall be final.

(3) A Special Court shall be presided over by a judge to be appointed by the State Government with the concurrence of the Chief Justice of the High Court of the Gujarat.

(4) The State Government may also appoint, with the concurrence of the Chief Justice of the High Court of Gujarat, additional judges to exercise jurisdiction of the Special Court.

(5) A person shall not be qualified for appointment as a judge or an additional judge of a Special Court unless he immediately before such appointment, is or has been a Sessions judge or a District Judge.

(6) The Government from time to time may, by notification in the *Official Gazette*, reconstitute the Special Courts constituted under sub-section (1) and may, at any time abolish such Special Courts by a like notification.

(7) A Judge of the Special Court shall hold office for a term of three years from the date on which he enters upon his office, or until the Special Court is reconstituted or abolished under sub-section (6), whichever is earlier.

**Public
Prosecutor.**

8. The State Government shall appoint, for every Special Court, a person to be the Public Prosecutor.

**Procedure
and powers of
Special
Courts.**

9. (1) The Special Court may, either *suo moto* or on application made by any person, or any officer authorized by District Collector take cognizance of and try every case arising out of any alleged act of land grabbing or with respect to the ownership and title to, or lawful possession of, the land grabbed, whether before or after the commencement of this Act, and pass such orders (including orders by way of interim directions) as it deems fit;

V of 1908. (2) Notwithstanding anything in the Code of Civil Procedure, 1908, any case in respect of an alleged act of land grabbing or the determination of question of title and ownership to, or lawful possession of any land grabbed under this Act, shall, subject to the provisions of this Act, be triable in the Special Court and the decision of Special Court shall be final.

V of 1908. (3) Notwithstanding anything in the Code of Civil Procedure 1908, the Special Court may follow its own procedure which shall not be inconsistent with the principles of natural justice and fair play and subject to the other provisions of this Act and of any rules made thereunder while deciding the Civil liability,

2 of 1974. (4) Notwithstanding anything in the Code of Criminal Procedure, 1973, it shall be lawful for the Special Court to try all offences punishable under this Act.

(5) The Special Court shall determine the order in which the civil and criminal liability against a land grabber be initiated. It shall be within the discretion of the Special Court whether or not to deliver its decision or order until both civil and criminal proceedings are completed. The evidence admitted during the criminal proceeding may be made use of while trying the civil liability. But additional evidence, if any, adduced in the civil proceedings shall not be considered by the Special Court while determining the criminal liability. Any person accused of land grabbing or the abetment thereof before the Special Court shall be a competent witness for the defence and may give evidence on oath in disproof of the charge made against him or any person charged together with him in the criminal proceeding:

Provided that he shall not be called as a witness except on his own request in writing or his failure to give evidence shall be made the subject of any comment by any of the parties or the special court or give rise to any presumption against himself or any person charged together with him at the same proceeding.

(6) Every case under sub-section (1) shall be disposed of finally by the Special Court, as far as possible, within a period of six months from the date of institution of the case before it.

(7) Every finding of the Special Court with regard to any alleged act of land grabbing shall be conclusive proof of the fact of land grabbing and of the persons who committed such land grabbing, and every judgment of the Special Court with regard to the determination of title and ownership to, or lawful possession of, any land grabbed shall be binding on all persons having interest in such land.

(8) When an offence of land grabbing is proved, the Special Court may if it thinks fit, order that possession of the same be restored to that person after evicting by force, if necessary, any other person who maybe in possession of the property."

(9) It shall be lawful for the Special Court to pass such order as it may deem fit to advance the cause of justice. It may award compensation in terms of money for wrongful possession of the land grabbed which shall not be less than an amount equivalent to the *Jantri* value of the land grabbed as on the date of the order and profits accrued from the land payable by the land grabber to the owner of the grabbed land and may direct re-delivery of the grabbed land to its rightful owner. The amount of compensation and profits, so awarded and costs of re-delivery, if any, shall be recovered as an arrear of land revenue in case the Government is the owner, or as a decree of a civil court, in any other case to be executed by the Special Court:

Provided that the Special Court shall, before passing an order under this sub-section, give to the land grabber an opportunity of making his representation or of adducing evidence, if any, in this regard, and consider such representation and evidence.

Special Court to have powers of Civil Court and the Court of Sessions.

10. Save as expressly provided in this Act, the provisions of the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973, in so far as they are not inconsistent with the provisions of this Act, shall apply to the proceedings before the Special Court and for the purposes of the provisions of the said enactments, Special Court shall be deemed to be a Civil Court, or as the case may be, a Court of Sessions and shall have all the powers of a Civil Court and a Court of Sessions and person conducting a prosecution before the Special Court shall be deemed to be an Assistant Public Prosecutor.

V of 1908.
2 of 1974.

Burden of proof.

11. (1) Where in any proceedings under this Act, a land is alleged to have been grabbed, and such land is *prima facie* proved to be the land owned by the Government or by a private person, the Special Court shall presume that the person who is alleged to have grabbed the land is a land-grabber and the burden of proving that the land has not been grabbed by him shall be on such person.

(2) Where it is proved that a land grabber or any person on his behalf is or has at any time been, in possession of movable or immovable property which he cannot satisfactorily account for, or where his pecuniary resources are disproportionate to his known sources of income, the Court shall, unless contrary is proved, presume that such property or pecuniary resources have been acquired or derived by his activities as a land grabber.

Information to be recorded and investigation to be carried out by the police officer.

12. Notwithstanding anything contained in the Code,-

- (a) no information about the commission of an offence under this Act, shall be recorded by a police officer without the prior approval of the District Collector in consultation with the Committee notified by the Government;
- (b) no investigation of an offence under the provision of this Act shall be carried out by a police officer below the rank of the Deputy Superintendent of Police, or for the areas where the Commissioner of Police is appointed by the State Government, by a police officer not below the rank of the Assistant Commissioner of Police.

- 13.** Every person acting under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. **Persons acting under the Act to be public servants.**
- 14.** No suit, prosecution of other legal proceeding shall lie against any officer or employee of the special Court] or any officer of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder. **Protection of action taken in good faith.**
- 15.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or custom, usage or agreement or decree or order of a court or any other tribunal or authority. **Act to override other laws.**
- 16.** (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act. **Power to make rules.**
- (2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to such modifications as the legislature may make during the session in which they are so laid or the session immediately following.
- 17.** Any transaction relating to an alienation of a land grabbed or any part thereof by way of sale, lease, gift, exchange, settlement, surrender, usufructuary mortgage or otherwise, or any partition effected or a trust created in respect of such land, which has taken place whether before or after the commencement of this Act shall, except to the extent ordered by the Special Court be null and void. **Prohibition of alienation of lands grabbed.**
- 18.** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as appears to be necessary or expedient for removing the difficulty: **Power of State Government to remove difficulties.**
- Provided that no order under sub-section (1) shall be made after the expiry of two years from the date of commencement of this Act.
- (2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

It has come to the notice of the Government that there are attempts on the part of certain lawless persons operating individually or in groups to grab either by force, or by deceit or otherwise lands belonging to the Government, a local authority, a religious or charitable institution or endowment as well as private individuals. The land grabbers are setting up fictitious claims and indulging in large scale and fraudulent sales of land through unscrupulous real estate dealers or otherwise. As public order is adversely affected by such unlawful activities of land grabbers in the State.

Hence, the State Government of Gujarat with a view to prohibiting the activities of land grabbing and to provide for matters connected therewith has proposed to bring the Gujarat Land Grabbing (Prohibition) Act into force. Apart from declaring land grabbing as unlawful, the State Government proposes to prohibit land grabbing. Therefore, it is proposed to provide for penalty for offences in connection with land grabbing to effectively implement this Act and for the purpose of providing speedy enquiry into an alleged act of land grabbing and trial of cases in respect of the ownership and title to, or lawful possession of the land grabbed by constituting a Special Court. It is felt that the State Government shall be able to curb the illegal land grabbing by enforcing the proposed legislation.

This Bill seeks to achieve the aforesaid objects.

The following notes on *clauses* explain, in brief, the important provisions of the Bill:-

Clause 1.- This clause provides for short title, extent and commencement of the Act.

Clause 2.- This clause defines certain terms used in the Bill.

Clauses 3 and 4.- These clauses provide that the land grabbing in any form shall be prohibited and shall be declared unlawful and any activity connected with or arising out of land grabbing shall be an offence punishable under the Act; it also provide for punishment for continuing to be in occupation, otherwise than as a lawful tenant, of a grabbed land belonging to the Government, local authority, religious or charitable institution or endowment or other private person.

Clause 5.- This clause provides for penalty for the offences as specified therein committed in connection with land grabbing.

Clause 6.- This clause provides for the offences committed by the company.

Clause 7.- This clause provides for the constitution of the special courts with the concurrence of the Chief Justice of the High Court of Gujarat.

Clause 8.- This clause provides for the appointment of the public prosecutor for the special court.

Clause 9.- This clause provides for the procedure to be followed and the powers to be exercised by the special court.

Clause 10.- This clause provides that the Special Court shall be deemed to be a Civil Court or a Court of Sessions and shall have all the powers of a Civil Court and a Court of Sessions and person conducting a prosecution before the Special Court shall be deemed to be an Assistant Public Prosecutor.

Clause 11.- This clause provides for the burden of proof would lie on the person who is alleged to have grabbed the land.

Clause 12.- This clause provide for the Information to be recorded and investigation to be carried out by the police officer.

Clause 13.- This clause provides that every person acting under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Clause 14.- This clause provides for the protection of action taken in good faith.

Clause 15.- This clause provides that the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or custom, usage or agreement or decree or order of a court or any other tribunal or authority.

Clause 16.- This clause provides for the powers of State Government to make rules under this Act.

Clause 17.- This clause provides for the alienation of the lands grabbed.

Clause 18.- This clause empowers the State Government to remove difficulties arising within a period of two years in giving effect to the provisions of the Act.

KAUSHIK PATEL,

FINANCIAL MEMORANDUM

Clause 7 of the Bill seeks to empower the State Government, with the concurrence of the Chief Justice of the High Court of Gujarat, to constitute one or more Special Courts for such area or areas, or for such cases or class or group of cases and henceforth, the Bill, if enacted and brought into force would involve expenditure from the Consolidated Fund of the State. However, at present, it is not possible to ascertain the exact amount of grant to be made available for such purpose.

KAUSHIK PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

Clause 1.- Sub-clause (3) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 7.- (i) Sub-clause (1) of this clause empowers the State Government to constitute, by notification in the *Official Gazette*, one or more Special Courts for such area or areas, or for such cases or class or group of cases, as may be specified in the notification, with the concurrence of the Chief Justice of the High Court of Gujarat.

(ii) sub-clause (6) of this clause empowers the State Government to reconstitute, by notification in the *Official Gazette*, the special Courts constituted under sub-clause (1) and also empowers to abolish at any time such Special Courts.

Clause 16. – Sub-clause (1) of this clause empowers the State Government to make, by notification in the *Official Gazette*, rules for carrying out the purposes of the Act.

Clause 18. – Sub-clause (1) of this clause empowers the State Government to make an order published in *Official Gazette*, to remove any difficulty if arisen in giving effect to the provisions of this Act within a period of two years.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 23rd March, 2020.

KAUSHIK PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar.

K. M. LALA,

Dated the 23rd March, 2020.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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The Gujarat Government Gazette

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MONDAY, MARCH 23, 2020 / CAITRA 3, 1942

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT APPROPRIATION BILL, 2020.

GUJARAT BILL NO. 12 OF 2020.

A BILL

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2021.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation Act, 2020.

Short title.

**Withdrawal of ₹
21, 72, 87, 23,
56,000/- from and
out of the
Consolidated
Fund of the State
of Gujarat for the
financial year
2020-21.**

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of two lakhs seventeen thousand two hundred eighty-seven crores twenty-three lakhs fifty-six thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2020-21 in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDUDLE
(See Sections 2 and 3)

| Demand No. Vote/ Appropriation | Services and purposes | Revenue/ Capital | Sums not exceeding | | |
|--------------------------------------|--|---------------------|--------------------|---|--------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 1 | Agriculture and Co-operation Department | Revenue | 181476000 | 0 | 181476000 |
| 2 | Agriculture | Revenue | 38088940000 | 0 | 38088940000 |
| | | Capital | 1000000000 | 0 | 1000000000 |
| 3 | Minor Irrigation, Soil Conservation and Area Development. | Revenue | 318064000 | 0 | 318064000 |
| | | Capital | 300000 | 0 | 300000 |
| 4 | Animal Husbandry | Revenue | 8854440000 | 0 | 8854440000 |
| 5 | Co-operation | Revenue | 12100075000 | 0 | 12100075000 |
| | | Capital | 986801000 | 0 | 986801000 |
| 6 | Fisheries | Revenue | 4187908000 | 0 | 4187908000 |
| | | Capital | 1500000000 | 0 | 1500000000 |
| 7 | Other expenditure pertaining to Agriculture and Co-operation Department. | Capital | 2000 | 0 | 2000 |
| 8 | Education Department | Revenue | 119583000 | 0 | 119583000 |
| 9 | Education | Revenue | 287444666000 | 2454100000 | 289898766000 |
| | | Capital | 5527822000 | 0 | 5527822000 |
| 10 | Other expenditure pertaining to Education Department | Revenue | 16854000 | 0 | 16854000 |
| | | Capital | 460001000 | 0 | 460001000 |
| 11 | Energy and Petro-Chemicals Department | Revenue | 77849000 | 0 | 77849000 |
| 12 | Tax collection charges (Energy and Petro-Chemicals Department) | Revenue | 238400000 | 0 | 238400000 |
| 13 | Power Projects | Revenue | 91628682000 | 0 | 91628682000 |
| | | Capital | 31178509000 | 0 | 31178509000 |

| Demand No. Vote/ Appropriation | Services and purposes | Revenue/ Capital | Sums not exceeding | | |
|--------------------------------------|--|---------------------|--------------------|---|--------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 14 | Other expenditure pertaining to Energy and Petro-Chemicals Department | Revenue | 11400000 | 0 | 11400000 |
| | | Capital | 10876600000 | 0 | 10876600000 |
| 15 | Finance Department | Revenue | 219349000 | 0 | 219349000 |
| | | | | | |
| 16 | Tax Collection Charges (Finance Department) | Revenue | 3491150000 | 0 | 3491150000 |
| 17 | Treasury and Accounts Administration | Revenue | 2065006000 | 0 | 2065006000 |
| 18 | Pension and other Retirement Benefits | Revenue | 118302005000 | 130000000 | 118432005000 |
| 19 | Other expenditure pertaining to Finance Department | Revenue | 95942331000 | 0 | 95942331000 |
| | | Capital | 3500000 | 1000 | 3501000 |
| 20 | Repayment of Debt pertaining to Finance Department and its Servicing | Revenue | 0 | 227161723000 | 227161723000 |
| | | Capital | 0 | 178846920000 | 178846920000 |
| 21 | Food, Civil Supplies and Consumer Affairs Department. | Revenue | 575548000 | 0 | 575548000 |
| 22 | Civil Supplies | Revenue | 8486007000 | 0 | 8486007000 |
| 23 | Food | Revenue | 655743000 | 0 | 655743000 |
| | | Capital | 748200000 | 0 | 748200000 |
| 24 | Other expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department | Capital | 2000 | 0 | 2000 |
| 25 | Forests and Environment Department | Revenue | 98992000 | 0 | 98992000 |
| 26 | Forests | Revenue | 8275497000 | 6000000 | 8281497000 |
| | | Capital | 5550378000 | 0 | 5550378000 |
| 27 | Environment | Revenue | 314751000 | 0 | 314751000 |

| Demand No. Vote/ Appropriation | Services and purposes | Revenue/ Capital | Sums not exceeding | | |
|--------------------------------------|--|---------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 28 | Other expenditure pertaining to Forest and Environment Department. | Capital | 2225000 | 0 | 2225000 |
| 29 | Governor | Revenue | 0 | 90545000 | 90545000 |
| 30 | Council of Ministers | Revenue | 58670000 | 0 | 58670000 |
| 31 | Elections | Revenue | 1303837000 | 0 | 1303837000 |
| | | Capital | 1000 | 0 | 1000 |
| 32 | Public Service Commission | Revenue | 135753000 | 325915000 | 461668000 |
| 33 | General Administration Department | Revenue | 1199345000 | 0 | 1199345000 |
| 34 | Economic Advice and Statistics | Revenue | 1111862000 | 0 | 1111862000 |
| 35 | Other expenditure pertaining to General Administration Department | Revenue | 285203000 | 3323000 | 288526000 |
| | | Capital | 10693600000 | 0 | 10693600000 |
| 36 | State Legislature | Revenue | 508896000 | 4860000 | 513756000 |
| 37 | Loans and Advances to Government Servants in Gujarat Legislature Secretariat | Capital | 2900000 | 0 | 2900000 |
| 38 | Health and Family Welfare Department | Revenue | 145513000 | 0 | 145513000 |
| 39 | Medical and Public Health | Revenue | 62739461000 | 0 | 62739461000 |
| | | Capital | 8504780000 | 0 | 8504780000 |
| 40 | Family Welfare | Revenue | 23396627000 | 0 | 23396627000 |
| | | Capital | 101600000 | 0 | 101600000 |
| 41 | Other expenditure pertaining to Health and Family Welfare Department | Revenue | 0 | 2700000 | 2700000 |
| | | Capital | 2000000 | 0 | 2000000 |
| 42 | Home Department | Revenue | 199558000 | 0 | 199558000 |
| 43 | Police | Revenue | 58334010000 | 0 | 58334010000 |
| 44 | Jails | Revenue | 1949774000 | 0 | 1949774000 |

| Demand No. Vote/ Appropriation | Services and purposes | Revenue/ Capital | Sums not exceeding | | |
|--------------------------------------|---|---------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 45 | State Excise | Revenue | 197477000 | 0 | 197477000 |
| 46 | Other expenditure pertaining to Home Department. | Revenue | 4787875000 | 5001000 | 4792876000 |
| | | Capital | 8320899000 | 0 | 8320899000 |
| 47 | Industries and Mines Department. | Revenue | 198891000 | 0 | 198891000 |
| 48 | Stationery and Printing | Revenue | 714230000 | 0 | 714230000 |
| | | Capital | 26600000 | 0 | 26600000 |
| 49 | Industries | Revenue | 47590406000 | 0 | 47590406000 |
| | | Capital | 8831568000 | 0 | 8831568000 |
| 50 | Mines and Minerals | Revenue | 2496972000 | 0 | 2496972000 |
| | | Capital | 78100000 | 0 | 78100000 |
| 51 | Tourism | Revenue | 1347812000 | 0 | 1347812000 |
| | | Capital | 4380000000 | 0 | 4380000000 |
| 52 | Other expenditure pertaining to Industries and Mines Department | Revenue | 1003430000 | 60000 | 1003490000 |
| | | Capital | 509950000 | 0 | 509950000 |
| 53 | Information and Broadcasting Department | Revenue | 14000000 | 0 | 14000000 |
| 54 | Information and Publicity | Revenue | 1299599000 | 0 | 1299599000 |
| 55 | Other expenditure pertaining to Information and Broadcasting Department | Revenue | 100000000 | 0 | 100000000 |
| | | Capital | 1000000 | 0 | 1000000 |
| 56 | Labour and Employment Department | Revenue | 253090000 | 0 | 253090000 |
| 57 | Labour and Employment | Revenue | 9965067000 | 0 | 9965067000 |
| | | Capital | 720000000 | 0 | 720000000 |
| 58 | Other expenditure Pertaining to Labour and Employment Department | Capital | 170000 | 0 | 170000 |

| Demand No. Vote/ Appropriation | Services and purposes | Revenue/ Capital | Sums not exceeding | | |
|--------------------------------------|---|---------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 59 | Legal Department | Revenue | 165564000 | 0 | 165564000 |
| 60 | Administration of Justice | Revenue | 9954664000 | 1630076000 | 11584740000 |
| 61 | Other Expenditure pertaining to Legal Department | Revenue | 875280000 | 0 | 875280000 |
| | | Capital | 4500000 | 0 | 4500000 |
| 62 | Legislative and Parliamentary Affairs Department | Revenue | 85283000 | 0 | 85283000 |
| 63 | Other expenditure pertaining to Legislative and Parliamentary Affairs Department | Capital | 2000 | 0 | 2000 |
| 64 | Narmada, Water Resources, Water Supply and Kalpsar Department | Revenue | 197325000 | 0 | 197325000 |
| 65 | Narmada Development Scheme | Capital | 45999970000 | 0 | 45999970000 |
| 66 | Irrigation and Soil Conservation | Revenue | 13435241000 | 0 | 13435241000 |
| | | Capital | 43171991000 | 1000000000 | 44171991000 |
| 67 | Water Supply | Revenue | 2139200000 | 0 | 2139200000 |
| | | Capital | 31900000000 | 0 | 31900000000 |
| 68 | Other expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department. | Revenue | 0 | 2000000000 | 2000000000 |
| | | Capital | 2100000 | 0 | 2100000 |
| 69 | Panchayats, Rural Housing and Rural Development Department | Revenue | 100525000 | 0 | 100525000 |
| 70 | Community Development | Revenue | 34334215000 | 0 | 34334215000 |
| 71 | Rural Housing and Rural Development | Revenue | 24846562000 | 4506256000 | 29352818000 |
| | | Capital | 27111000 | 0 | 27111000 |

| Demand No. Vote/ Appropriation | Services and purposes | Revenue/ Capital | Sums not exceeding | | |
|--------------------------------------|--|---------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 72 | Compensation and Assignments | Revenue | 1407819000 | 0 | 1407819000 |
| 73 | Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department | Revenue | 8561720000 | 0 | 8561720000 |
| | | Capital | 13100000 | 0 | 13100000 |
| 74 | Transport | Revenue | 6331927000 | 0 | 6331927000 |
| | | Capital | 5242550000 | 0 | 5242550000 |
| 75 | Other expenditure pertaining to Ports and Transport Department | Revenue | 709085000 | 0 | 709085000 |
| | | Capital | 200102000 | 0 | 200102000 |
| 76 | Revenue Department | Revenue | 391775000 | 0 | 391775000 |
| 77 | Tax collection charges (Revenue Department) | Revenue | 3278040000 | 100000 | 3278140000 |
| 78 | District Administration | Revenue | 5993504000 | 0 | 5993504000 |
| 79 | Relief on account Natural Calamities | Revenue | 27522301000 | 0 | 27522301000 |
| | | Capital | 1629852000 | 0 | 1629852000 |
| 80 | Dang District | Revenue | 580288000 | 0 | 580288000 |
| 81 | Compensation and Assignment | Revenue | 3010804000 | 700000 | 3011504000 |
| | | Capital | 300000 | 200000 | 500000 |
| 82 | Other expenditure pertaining to Revenue Department | Revenue | 20927000 | 0 | 20927000 |
| | | Capital | 2610000 | 0 | 2610000 |
| 83 | Roads and Building Department | Revenue | 248357000 | 0 | 248357000 |
| 84 | Non-Residential Buildings | Revenue | 7159394000 | 12700000 | 7172094000 |
| | | Capital | 13722149000 | 0 | 13722149000 |
| 85 | Residential Buildings | Revenue | 2100489000 | 0 | 2100489000 |
| | | Capital | 2079780000 | 0 | 2079780000 |
| 86 | Roads and Bridges | Revenue | 35328695000 | 51000000 | 35379695000 |
| | | Capital | 34901019000 | 105000000 | 35006019000 |
| 87 | Gujarat Capital Construction Scheme | Revenue | 169196000 | 0 | 169196000 |
| | | Capital | 3043300000 | 900000 | 3044200000 |

| Demand No. Vote/ Appropriation | Services and purposes | Revenue/ Capital | Sums not exceeding | | |
|--------------------------------------|--|---------------------|--------------------|---|-------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 88 | Other expenditures pertaining to Roads and Buildings Department | Revenue | 338271000 | 500000000 | 838271000 |
| | | Capital | 37250000 | 500000000 | 87250000 |
| 89 | Science and Technology Department | Revenue | 2529313000 | 0 | 2529313000 |
| 90 | Other Expenditure pertaining to Science and Technology Department | Revenue | 2441480000 | 0 | 2441480000 |
| | | Capital | 2604000 | 0 | 2604000 |
| 91 | Social Justice and Empowerment Department | Revenue | 79627000 | 0 | 79627000 |
| 92 | Social security and welfare | Revenue | 21558029000 | 26000000 | 21584029000 |
| | | Capital | 6185590000 | 0 | 6185590000 |
| 94 | Other Expenditure pertaining to Social Justice and Empowerment Department | Capital | 1600000 | 0 | 1600000 |
| 95 | Scheduled Castes Sub Plan | Revenue | 45170328000 | 0 | 45170328000 |
| | | Capital | 8760906000 | 0 | 8760906000 |
| 97 | Sports, Youth and Cultural Activities Department | Revenue | 66092000 | 0 | 66092000 |
| 98 | Youth Services and Cultural Activities | Revenue | 4117489000 | 0 | 4117489000 |
| | | Capital | 469752000 | 0 | 469752000 |
| 99 | Other expenditure pertaining to Sports, Youth and Cultural Activities Department | Capital | 601000 | 0 | 601000 |
| 93 | Welfare of Scheduled Tribes | Revenue | 5533921000 | 0 | 5533921000 |
| | | Capital | 618161000 | 0 | 618161000 |
| 96 | Tribal Area Sub-Plan | Revenue | 91104585000 | 50000000 | 91154585000 |
| | | Capital | 43755049000 | 2500000 | 43757549000 |
| 100 | Urban Development and Urban Housing Department | Revenue | 64174000 | 0 | 64174000 |
| 101 | Urban Housing | Revenue | 6840691000 | 2000191000 | 8840882000 |

| Demand No. Vote/ Appropriation | Services and purposes | Revenue/ Capital | Sums not exceeding | | |
|--------------------------------------|--|---------------------|----------------------|---|----------------------|
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | 3 | 4 | | |
| 102 | Urban Development | Revenue | 96661140000 | 0 | 96661140000 |
| | | Capital | 6052075000 | 0 | 6052075000 |
| 103 | Compensation, Assignment and Tax Collection Charges | Revenue | 2289500000 | 300000000 | 2589500000 |
| 104 | Other Expenditure Pertaining to Urban Development and Urban Housing Department | Revenue | 4440000 | 0 | 4440000 |
| | | Capital | 100000 | 0 | 100000 |
| 105 | Women and Child Development Department | Revenue | 57196000 | 0 | 57196000 |
| 106 | Other Expenditure pertaining to Women and Child Development Department | Revenue | 22467517000 | 8500000 | 22476017000 |
| | | Capital | 930619000 | 0 | 930619000 |
| 107 | Climate Change Department | Revenue | 12575000 | 0 | 12575000 |
| 108 | Other expenditure Pertaining to Climate Change Department | Revenue | 9518212000 | 0 | 9518212000 |
| | Total Revenue | Revenue | 1402834834000 | 241269750000 | 1644104584000 |
| | Total Capital | Capital | 348762251000 | 180005521000 | 528767772000 |
| | Grand Total | | 1751597085000 | 421275271000 | 2172872356000 |

STATEMENT OF OBJECTS AND REASONS

Article 204 (1) of the Constitution of India requires that as soon as may be after the grants have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State, of all moneys required to meet-

(a) the grants so made by the Assembly, and

(b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the Statement previously laid before the Legislative Assembly.

The Bill accordingly specifies the gross amount required to meet grants made by the Assembly and the expenditure charged on the Consolidated Fund of the State for the financial year ending on the 31st March, 2021.

The amounts are shown below:

₹

| | | |
|-----|---------------------|---------------------------|
| (a) | Revenue Expenditure | 16, 44, 10, 45, 84, 000/- |
| (b) | Capital Expenditure | 5, 28, 76, 77, 72, 000/- |

Total

21, 72, 87, 23, 56, 000/-

Dated the 23rd March, 2020.

NITIN PATEL,

By order and in the name of the Governor of Gujarat,

Gandhinagar

Dated the 23rd March, 2020

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



सत्यमेव जयते



The Gujarat Government Gazette

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT GOODS AND SERVICES TAX (AMENDMENT) BILL, 2020.

GUJARAT BILL NO. 13 OF 2020.

A BILL

further to amend the Gujarat Goods and Services Tax Act, 2017.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Gujarat Goods and Services Tax (Amendment) Act, 2020.

(2) This section, section 12 and section 16 shall be deemed to have come into force on the 31st March, 2020; remaining provisions, except sections 2, 11, 13 and 14 shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint; and the different dates may be appointed for different provisions of this Act.

**Amendment
of section 2 of
Guj. 25 of
2017.**

2. In the Gujarat Goods and Services Tax Act, 2017 (hereinafter referred to as the “principal Act”), in section 2, in clause (114), for sub-clauses (c) and (d), the following sub-clauses shall be substituted and shall be deemed to have been substituted from the 30th June, 2020, namely:—

**Guj. 25 of
2017.**

“(c) Dadra and Nagar Haveli and Daman and Diu;

(d) Ladakh;”.

**Amendment
of section 10
of Guj. 25 of
2017.**

3. In the principal Act, in section 10, in sub-section (2), in clauses (b), (c) and (d), after the words “of goods”, the words “or services” shall be inserted.

**Amendment
of section 16
of Guj. 25 of
2017.**

4. In the principal Act, in section 16, in sub-section (4), the words “invoice relating to such” shall be deleted.

**Amendment
of section 29
of Guj. 25 of
2017.**

5. In the principal Act, in section 29, in sub-section (1), for clause (c), the following clause shall be substituted, namely:—

“(c) the taxable person is no longer liable to be registered under section 22 or section 24 or intends to opt out of the registration voluntarily made under sub-section (3) of section 25.”.

**Amendment
of section 30
of Guj. 25 of
2017.**

6. In the principal Act, in section 30, in sub-section (1), for the existing proviso, the following proviso shall be substituted, namely:—

“Provided that such period may, on sufficient cause being shown, and for reasons to be recorded in writing, be extended,—

(a) by the Deputy Commissioner, for a period not exceeding thirty days;

(b) by the Joint Commissioner, for a further period not exceeding thirty days, beyond the period specified in clause (a).”.

**Amendment
of section 31
of Guj. 25 of
2017.**

7. In the principal Act, in section 31, in sub-section (2), for the existing proviso, the following proviso shall be substituted, namely:—

“Provided that the Government may, on the recommendations of the Council, by notification,—

- (a) specify the categories of services or supplies in respect of which a tax invoice shall be issued, within such time and in such manner as may be prescribed;
- (b) subject to the condition mentioned therein, specify the categories of services in respect of which—
 - (i) any other document issued in relation to the supply shall be deemed to be a tax invoice; or
 - (ii) tax invoice may not be issued.”.

8. In the principal Act, in section 51,—

- (a) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) A certificate of tax deduction at source shall be issued in such form and in such manner as may be prescribed.”;
- (b) sub-section (4) shall be deleted.

**Amendment
of section 51
of Guj. 25 of
2017.**

9. In the principal Act, in section 122, after sub-section (1), the following sub-section shall be inserted, namely:—

**Amendment
of section
122 of Guj.
25 of 2017.**

- “(1A) Any person who retains the benefit of a transaction covered under clause (i), (ii), (vii) or clause (ix) of sub-section (1) and at whose instance such transaction is conducted, shall be liable to a penalty of an amount equivalent to the tax evaded or input tax credit availed of or passed on.”.

10. In the principal Act, in section 132, in sub-section (1),—

- (i) for the words “Whoever commits any of the following offences”, the words “Whoever commits, or causes to commit and retain the benefits arising out of, any of the following offences” shall be substituted;
- (ii) for clause (c), the following clause shall be substituted, namely:—

“(c) avails input tax credit using the invoice or bill referred to in clause (b) or fraudulently avails input tax credit without any invoice or bill;”;
- (iii) in clause (e), for the words “evades tax, fraudulently avails input tax credit” the words “evades tax” shall be substituted.

**Amendment
of section
132 of Guj.
25 of 2017.**

**Amendment
of section
140 of Guj.
25 of 2017.**

- 11.** In the principal Act, in section 140, with effect from the 1st day of July, 2017,-
- (a) in sub-section (1), after the words “existing law”, the words “within such time and” shall be inserted and shall be deemed to have been inserted;
 - (b) in sub-section (2), after the words “appointed day”, the words “within such time and” shall be inserted and shall be deemed to have been inserted;
 - (c) in sub-section (3), for the words “goods held in stock on the appointed day subject to”, the words “goods held in stock on the appointed day, within such time and in such manner as may be prescribed, subject to” shall be substituted and shall be deemed to have been substituted;
 - (d) in sub-section (5), for the words “existing law”, the words “existing law, within such time and in such manner as may be prescribed” shall be substituted and shall be deemed to have been substituted;
 - (e) in sub-section (6), for the words “goods held in stock on the appointed day subject to”, the words “goods held in stock on the appointed day, within such time and in such manner as may be prescribed, subject to” shall be substituted and shall be deemed to have been substituted.

**Insertion of
new section
168A in
Guj.25 of
2017.**

- 12.** In the principal Act, after section 168, the following section shall be inserted, namely:-

**Power of
Government to
extend time
limit in special
circumstances.**

“168A.(1) Notwithstanding anything contained in this Act, the Government may, on the recommendations of the Council, by notification, extend the time limit specified in, or prescribed or notified under, this Act in respect of actions which cannot be completed or complied with due to *force majeure*.

(2) The power to issue notification under sub-section (1) shall include the power to give retrospective effect to such notification from a date not earlier than the date of commencement of this Act.

Explanation.- For the purposes of this section, the expression “*force majeure*” means a case of war, epidemic, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature or otherwise affecting the implementation of any of the provisions of this Act.”.

13. In the principal Act, in section 172, in sub-section (1), in the proviso, for the words “three years”, the words “five years” shall be substituted and shall be deemed to have been substituted with effect from the 30th day of June, 2020.

Amendment of section 172 of Guj. 25 of 2017.

14. In the principal Act, in Schedule II, in para 4, in clauses (a) and (b), the words “whether or not for a consideration,” shall be deleted and shall be deemed to have been deleted with effect from the 1st day of July, 2017.

Amendment to Schedule II of Guj. 25 of 2017.

15. (1) Notwithstanding anything contained, in the Government Notification, Finance Department No. (GHN-31) GST -2017/S.9 (1) (1) – TH, dated the 30th June, 2017, Notification No. 1/2017-State Tax (Rate) issued by the Gujarat Government, on the recommendations of the Council, in exercise of the powers conferred under sub-section (1) of section 9 of the Gujarat Goods and Services Tax Act, 2017,—

Amendment of notification number 1/2017-State Tax (Rate) issued under sub-section (1) of section 9 of Gujarat Goods and Services Tax Act, retrospectively.

Guj. 25 of 2017.

(i) no State tax shall be levied or collected in respect of supply of fishmeal (falling under heading 2301), during the period commencing from the 1st day of July, 2017 and ending with the 30th day of September, 2019 (both days inclusive);

(ii) State tax at the rate of six per cent. shall be levied or collected in respect of supply of pulley, wheels and other parts (falling under heading 8483) and used as parts of agricultural machinery (falling under headings 8432, 8433 and 8436), during the period commencing from the 1st day of July, 2017 and ending with the 31st day of December, 2018 (both days inclusive).

(2) No refund shall be made of all such tax which has been collected, but which would not have been so collected, had sub-section (1) been in force at all material times.

Guj. Ord. 2 of 2020.

16. (1) The Gujarat Goods and Services Tax (Amendment) Ordinance, 2020, is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by the said Ordinance.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Goods and Services Tax Act, 2017 (the said Act) was enacted with a view to make a provision for levy and collection of tax on intra-State supply of goods or services or both by the Government.

The proposed Gujarat Goods and Services Tax (Amendment) Bill, 2020, *inter alia*, provides for the following, namely:-

- (i) to amend clause (114) of section 2 of the Gujarat Goods and Services Tax Act so as to align the definition of “Union territory” in line with the Jammu and Kashmir Reorganisation Act, 2019 and the Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories), Act, 2019.
- (ii) to amend clauses (b), (c) and (d) of sub-section (2) of section 10 of the Gujarat Goods and Services Tax Act to harmonise the conditions for eligibility for opting to pay tax under sub-section (1) and sub- section (2A) of the said Act.
- (iii) to amend sub-section (4) of section 16 of the Gujarat Goods and Services Tax Act so as to delink the date of issuance of debit note from the date of issuance of the underlying invoice for purposes of availing input tax credit.
- (iv) to substitute the proviso to sub-section (1) of section 30 of the Gujarat Goods and Services Tax Act so as to empower the jurisdictional tax authorities to extend the period provided to file an application for revocation of cancellation of registration.
- (v) to amend section 51 of the Gujarat Goods and Services Tax Act so as to empower the Government to make rules to provide for the form and manner in which a certificate of tax deduction at source shall be issued.
- (vi) to amend section 132 of the Gujarat Goods and Services Tax Act so as to make the offence of fraudulent availment of input tax credit without invoice or bill cognizable and non-bailable under sub-section (1) of section 69 and to make any person who retains the benefit of certain transactions and at whose instance such transactions are conducted liable for punishment.

- (vii) to amend section 140 of the Gujarat Goods and Services Tax Act relating to transitional arrangements for input tax credit, so as to prescribe the time limit and the manner for availing input tax credit against certain un-availed credit under the existing law. This amendment shall take effect retrospectively from the 1st day of July, 2017.

Moreover, in view of the spread of pandemic COVID-19 across many countries of the world including India, causing immense loss to the lives of people, it has become imperative to make extension of time limit for various provisions, by way of inserting new section 168A in the Gujarat Goods and Services Tax Act, 2017. *Clause 12* of the Bill provides for the same.

As the Legislative Assembly of the State of Gujarat was not in session, the Gujarat Goods and Services Tax (Amendment) Ordinance, 2020 (Guj. Ord. 2 of 2020) was promulgated so as to insert new section 168A in the said Act to achieve the aforesaid object.

This Bill seeks to amend the said Act to achieve the aforesaid objects and also seeks to replace the said Gujarat Ordinance No. 2 of 2020 by an Act of the State Legislature.

The following notes on clauses explain, in brief, the important provisions of the Bill:-

Clause 1.- This clause provides for the short title and commencement.

Clause 2.- This clause seeks to amend clause (114) of section 2 of the Gujarat Goods and Services Tax Act so as to align the definition of “Union territory” in line with the Jammu and Kashmir Reorganisation Act, 2019 and the Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories), Act, 2019.

Clause 3.- This clause seeks to amend clauses (b), (c) and (d) of sub-section (2) of section 10 of the Gujarat Goods and Services Tax Act to harmonise the conditions for eligibility for opting to pay tax under sub-section (1) and sub- section (2A) of the said Act.

Clause 4.- This clause seeks to amend sub-section (4) of section 16 of the Gujarat Goods and Services Tax Act so as to delink the date of issuance of debit note from the date of issuance of the underlying invoice for purposes of availing input tax credit.

Clause 5.- This clause seeks to amend clause (c) of sub- section (1) of section 29 of the Gujarat Goods and Services Tax Act so as to provide for cancellation of registration obtained voluntarily under sub-section (3) of section 25.

Clause 6.- This clause seeks to substitute the proviso to sub-section (1) of section 30 of the Gujarat Goods and Services Tax Act so as to empower the jurisdictional tax authorities to extend the period provided to file an application for revocation of cancellation of registration.

Clause 7.- This clause seeks to amend section 31 of the Gujarat Goods and Services Tax Act so as to empower the Government to notify the categories of services or supplies in respect of which tax invoice shall be issued and to make rules regarding the time and manner of its issuance.

Clause 8.- This clause seeks to amend section 51 of the Gujarat Goods and Services Tax Act so as to empower the Government to make rules to provide for the form and manner in which a certificate of tax deduction at source shall be issued.

Clause 9.- This clause seeks to insert a new sub-section (1A) in section 122 of the Gujarat Goods and Services Tax Act so as to make the beneficiary of certain transactions at whose instance such transactions are conducted liable for penalty.

Clause 10.- This clause seeks to amend section 132 of the Gujarat Goods and Services Tax Act so as to make the offence of fraudulent availment of input tax credit without invoice or bill cognizable and non-bailable under sub-section (1) of section 69 and to make any person who retains the benefit of certain transactions and at whose instance such transactions are conducted liable for punishment.

Clause 11.- This clause seeks to amend section 140 of the Gujarat Goods and Services Tax Act relating to transitional arrangements for input tax credit, so as to prescribe the time limit and the manner for availing input tax credit against certain unavailed credit under the existing law. This amendment shall take effect retrospectively from the 1st day of July, 2017.

Clause 13.- This clause seeks to amend section 172 of the Gujarat Goods and Services Tax Act so as to extend the time limit provided for removal of difficulties thereunder from three years to five years.

Clause 14.- This clause seeks to amend paragraph 4 of Schedule II of the Gujarat Goods and Services Tax Act so as to delete the words “whether or not for consideration” so as to give clarity to the meaning of the entries (a) and (b) of said paragraph. This amendment shall take effect retrospectively from the 1st day of July, 2017.

Clause 15.- This clause seeks to provide retrospective exemption from State tax on supply of fishmeal, during the period from the 1st day of July, 2017 up to the 30th day of September, 2019 (both days inclusive).

It further seeks to retrospectively levy State tax at the reduced rate of six per cent. on supply of pulley, wheels and other parts (falling under heading 8483) and used as parts of agricultural machinery of headings 8432, 8433 and 8436, during the period from the 1st day of July, 2017 up to the 31st day of December, 2018 (both days inclusive).

It also seeks to provide that no refund shall be made of the tax which has already been collected.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the remaining provisions other than sections 1, 12 and 16 shall come into force; it also empowers the State Government to appoint different dates for different provisions of the Act.

Clause 7.- Clause (a) of the proviso to sub-section (2) of section 31 proposed to be substituted by this clause empowers the State Government, to specify, by notification in the *Official Gazette*, the categories of services or supplies in respect of which a tax invoice shall be issued; it also empowers the State Government to prescribe by rules, the time within which and the manner in which such categories of services or supplies shall be specified.

Clause 8.- Sub-section (3) of section 51 proposed to be substituted by sub-clause (a) of this clause empowers the State Government to prescribe by rules, the time within which and the manner in which a certificate of tax deducted at source shall be issued.

Clause 11.- (i) Sub-section (3) of section 140 proposed to be amended by sub-clause (c) of this clause empowers the State Government to prescribe by rules, the time within which and the manner in which a registered person who was not liable to be registered under the existing law or who was engaged in the sale of exempted goods or tax free goods, by whatever name called, or goods which have suffered tax at the first point of their sale in the State and the subsequent sales of which are not subject to tax in the State under the existing law but which are liable to tax under this Act or where the person was entitled to the credit of input tax at the time of sale of goods, if any, shall be entitled to take, in his electronic credit ledger, credit of the value added tax and entry tax in respect of inputs held in stock and inputs contained in semi-finished or finished goods held in stock on the appointed day subject to the conditions as mentioned therein;

(ii) sub-section (5) of section 140 proposed to be amended by sub-clause (d) of this clause empowers the State Government to prescribe by rules, the time within which and the manner in which a registered person shall be entitled to take, in his electronic credit ledger, credit of value added tax and entry tax, if any, in respect of inputs received on or after the appointed day but the tax in respect of which has been paid by the supplier under the existing law subject to the condition as specified therein.

(iii) sub-section (6) of section 140 proposed to be amended by sub-clause (e) of this clause empowers the State Government to prescribe by rules, the time within which and the manner in which a registered person who was either paying tax at a fixed rate or paying a fixed amount in lieu of the tax payable under the existing law shall

be entitled to take, in his electronic credit ledger, credit of value added tax in respect of inputs held in stock and inputs contained in semi-finished or finished goods held in stock on the appointed day subject to the conditions as mentioned therein.

Clause 12.- New section 168A proposed to be inserted by this clause empowers the State Government to extend, by notification in the *Official Gazette*, the time limit specified in, or prescribed or notified under, the Act in respect of actions which cannot be completed or complied with due to *force majeure*; it shall include the power to give retrospective effect to such notification from a date not earlier than the date of commencement of the Act.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 11th September, 2020.

NITIN PATEL.

By order and in the name of the Governor of Gujarat

Gandhinagar,
Dated the 11th September, 2020.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

**THE GUJARAT SALARIES AND ALLOWANCES OF MEMBERS,
SPEAKER AND DEPUTY SPEAKER OF THE GUJARAT
LEGISLATIVE ASSEMBLY, MINISTERS AND LEADER OF THE
OPPOSITION LAWS (AMENDMENT) BILL, 2020.**

GUJARAT BILL NO. 14 OF 2020.

A BILL

*further to amend the laws relating to salaries and allowances of Members,
Speaker and Deputy Speaker of the Gujarat Legislative Assembly and of
Ministers and Leader of the Opposition.*

It is hereby enacted in the Seventy-first Year of the Republic of India as follows: -

1. (1) This Act may be called the Gujarat Salaries and Allowances of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly, Ministers and Leader of the Opposition Laws (Amendment) Act, 2020.

**Short title and
commencement.**

(2) It shall be deemed to have come into force on the 8th April, 2020.

**Amendment
of section 3
of Guj. II of
1960.**

2. In the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960, in section 3, after sub-section (1), the following sub-section shall be inserted, namely:-

**Guj. II of
1960.**

“(1A) Notwithstanding anything contained in sub-section (1), there shall be paid to each Member 30 per cent less basic salary per month for a period of twelve months commencing from the 1st April, 2020.”.

**Amendment
of sections 3
and 10 of Guj.
III of 1960.**

3. In the Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960,-

**Guj. III of
1960.**

(i) in section 3, after sub-section (1), the following sub-section shall be inserted, namely:-

“(1A) Notwithstanding anything contained in sub-section (1), there shall be paid to the Speaker 30 per cent less basic salary per month for a period of twelve months commencing from the 1st April, 2020 .”.

(ii) in section 10, after sub-section (1), the following sub-section shall be inserted, namely :-

“(1A) Notwithstanding anything contained in sub-section (1), there shall be paid to the Deputy Speaker 30 per cent less basic salary per month for a period of twelve months commencing from the 1st April, 2020 .”.

**Amendment
of sections 3
and 6 of Guj.
VI of 1960.**

4. In the Gujarat Ministers' Salaries and Allowances Act, 1960,-

**Guj. VI
of 1960.**

(i) in section 3, after sub-section (1), the following sub-section shall be inserted, namely:-

“(1A) Notwithstanding anything contained in sub-section (1), there shall be paid to the Minister 30 per cent less basic salary per month for a period of twelve months commencing from the 1st April, 2020 .”.

(ii) in section 6, after sub-section (1), the following sub-section shall be inserted, namely :-

“(1A) Notwithstanding anything contained in sub-section (1), there shall be paid to the Deputy Minister 30 per cent less basic salary per month for a period of twelve months commencing from the 1st April, 2020 .”.

**Guj. 16
of 1979.**

5. In the Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979, in section 3, after sub-section (1), the following sub-section shall be inserted, namely :-

**Amendment
of section 3
of Guj. 16 of
1979.**

“(1A) Notwithstanding anything contained in sub-section (1), there shall be paid to the Leader of the Opposition 30 per cent less basic salary per month for a period of twelve months commencing from the 1st April, 2020.”.

**Guj. Ord. 1
of 2020.**

6. (1) The Gujarat Salaries and Allowances of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly, Ministers and Leader of the Opposition Laws (Amendment) Ordinance, 2020 is hereby repealed.

**Repeal
and
Savings.**

Guj. II of 1960.

Guj. III of 1960.

Guj. VI of 1960.

Guj. 16 of 1979.

(2) Notwithstanding such repeal, anything done or any action taken under the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960, the Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960, the Gujarat Ministers' Salaries and Allowances Act, 1960, or as the case may, the Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Acts as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Members of the Legislative Assembly, Speaker and Deputy Speaker, Ministers of the State and the Leader of the Opposition draw their salaries and allowances in accordance with the provisions contained in the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960; Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960; Gujarat Ministers' Salaries and Allowances Act, 1960 and the Gujarat Legislative Assembly (Leader of the Opposition) Salaries and Allowances Act, 1979 respectively.

The world as a whole is battling an outbreak of a Coronavirus called COVID-19, which has claimed thousands of lives and infected lacs of human beings around the world and India is no exception. The State of Gujarat is also reeling from the COVID-19 crisis and one cannot say with any certainty as to how long it will last. The State Government is making all out efforts and has also employed all its resources to combat the Coronavirus.

Many MLAs and Dignitaries have offered to help financially to the State Government in their individual capacity, but to have a uniform policy in this regard, the State Government has decided to reduce the basic salary of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly, Ministers and Leader of the Opposition to the extent of 30 per cent for a period of twelve months commencing from 1st April, 2020 and to utilize the saved money to fight against the challenge posed by Coronavirus outbreak.

As the Legislative Assembly of the State of Gujarat was not in session, at that time, the Gujarat Salaries and Allowances of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly, Ministers and Leader of the Opposition Laws (Amendment) Ordinance, 2020 was promulgated to amend the said Acts to achieve the aforesaid objects. This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

Dated the 11th September, 2020.

PRADEEPSINH JADEJA.

By order and in the name of the Governor of Gujarat,

Gandhinagar

Dated the 11th September, 2020

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE LABOUR LAWS (GUJARAT AMENDMENT) BILL, 2020.

GUJARAT BILL NO. 15 OF 2020.

A BILL

further to amend the Industrial Disputes Act, 1947 and the Factories Act, 1948 in their application to the State of Gujarat.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Labour Laws (Gujarat Amendment) Act, 2020.

Short title and
commencement.

(2) It shall be deemed to have come into force on the 7th August, 2020.

| | | |
|--|---|--------------------|
| Insertion of new section 36C in XIV of 1947. | 2. In the Industrial Disputes Act, 1947, in its application to the State of Gujarat, after section 36B, the following section shall be inserted, namely:- | XIV of 1947. |
| Power of State Government to exempt new industries from the provisions of the Act. | <p>“36C. Where the State Government is satisfied in relation to any new industrial establishment or new undertaking or class of new industrial establishments or new undertakings that it is necessary in the public interest, it may, by notification in the <i>Official Gazette</i>, exempt, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertakings from all or any of the provisions of this Act for a period of one thousand days from the date of establishment of such new industrial establishment or new undertaking or class of new establishments or new undertakings, as the case maybe.</p> <p>Explanation.- For the purposes of this section, the expression “new industrial establishment or new undertaking or class of new industrial establishments or new undertakings” means such industrial establishment or undertaking or class of industrial establishments or undertakings which are established within a period of one thousand days after the commencement of the Labour Laws (Gujarat Amendment) Act, 2020.”.</p> | Guj. of 2020. |
| Insertion of new section 5A in LXIII of 1948. | 3. In the Factories Act, 1948, in its application to the State of Gujarat, after section 5, the following section shall be inserted, namely:- | LXIII of 1948. |
| Power of State Government to exempt new industries from the provisions of the Act. | <p>“5A. Where the State Government is satisfied in relation to any new industrial establishment or new undertaking or class of new industrial establishments or new undertakings that it is necessary in the public interest, it may, by notification in the <i>Official Gazette</i>, exempt, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertakings from all or any of the provisions of this Act for a period of one thousand days from the date of establishment of such new industrial establishment or new undertaking or class of new establishments or new undertakings, as the case maybe.</p> <p>Explanation.- For the purposes of this section, the expression “new industrial establishment or new undertaking or class of new industrial establishments or new undertakings” means such industrial establishment or undertaking or class of industrial establishments or undertakings which are established within a period of one thousand days after the commencement of the Labour Laws (Gujarat Amendment) Act, 2020.”.</p> | Guj. of 2020. |
| Guj. Ord. 8 of 2020. | <p>4. (1) The Labour Laws (Gujarat Amendment) Ordinance, 2020 is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.</p> | Repeal and saving. |

STATEMENT OF OBJECTS AND REASONS

The Industrial Disputes Act, 1947 provides for the machinery and procedure for the investigation and settlement of industrial disputes. The provisions of the Act had been amended from time to time in the light of experience gained in its actual working. Whereas the object of the Factories Act, 1948 is to ensure adequate safety measures and to promote the health and welfare of the workers employed in factories.

2. At present, there is no such provision exists in both the said central Acts which empowers the State Government to exempt for temporary period to new establishments or undertakings from all or any of the provisions of both the said central Acts.

3. Whereas due to wide spread corona virus pandemic extraordinary situation has arisen requiring lock down of all activities countrywide resulting in possible slowdown of economic activities in the State and therefore, with a view to protecting, safeguarding new factories and establishments from the vicious effects of the said epidemic, it is necessary that the State Government should take sufficient measures to safeguard the said factories and establishments in carrying out the economic activities and to boost economic activities, so as to attract investment in new projects and generate employment.

4. Accordingly, new section 36C is proposed to be inserted in the Industrial Disputes Act, 1947 and similarly new section 5A is proposed to be inserted in the Factories Act, 1948 so as to empower the State Government to exempt for a period of one thousand days to new establishments or undertakings from all or any of the provisions of both the said central Acts.

As the Legislative Assembly of the State of Gujarat was not in session at that time, the Labour Laws (Gujarat Amendment) Ordinance, 2020 (Guj. Ord. No. 8 of 2020) was promulgated to achieve the aforesaid objects.

This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

DILIPKUMAR THAKOR,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative power in the following respect:--

Clause 2.- New section 36C proposed to be inserted in the Industrial Disputes Act, 1947 by this clause empowers the State Government to exempt, by notification in the *Official Gazette*, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertakings from all or any of the provisions of this Act for a period of one thousand days from the date of establishment.

Clause 3.- New section 5A proposed to be inserted in the Factories Act, 1948 by this clause empowers the State Government to exempt, by notification in the *Official Gazette*, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertakings from all or any of the provisions of this Act for a period of one thousand days from the date of establishment.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 11th September, 2020.

DILIPKUMAR THAKOR.

By order and in the name of the Governor of Gujarat,

Gandhinagar

Dated the 14th September, 2020

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(to be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE INDUSTRIAL DISPUTES (GUJARAT AMENDMENT) BILL, 2020.

GUJARAT BILL NO. 16 OF 2020.

A BILL

further to amend the Industrial Disputes Act, 1947 in its application to the State of Gujarat.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Industrial Disputes (Gujarat Amendment) Act, 2020.

Short title and
commencement.

(2) It shall be deemed to have come into force on the 3rd July, 2020.

- Amendment of section 25K of XIV of 1947.** **2.** In the Industrial Disputes Act, 1947, in its application to the State of Gujarat (hereinafter referred to as “the principal Act”), in section 25K,- **XIV of 1947.**
- (i) in sub-section (1), for the words “one hundred”, the words “three hundred” shall be substituted;
- (ii) after sub-section (1), the following sub-section shall be inserted, namely:-
- “(1A) Without prejudice to the provisions of sub-section (1), the State Government may, if satisfied that the maintenance of industrial peace or prevention of victimization of workmen so requires, by notification in the *Official Gazette*, apply the provision of this Chapter to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which such number of workmen which may be less than three hundred but not less than one hundred, as may be specified in the notification, were employed on an average per working day for the preceding twelve months.”.
- Amendment of section 25N of XIV of 1947.** **3.** In the principal Act, in section 25N,-
- (i) in sub-section (1), in clause (a), the words “or the workman has been paid in lieu of such notice, wages for the period of the notice” shall be deleted;
- (ii) in sub-section (9), the words “and an amount equivalent to his last three months average pay” shall be added at the end.
- Amendment of section 25-O of XIV of 1947.** **4.** In the principal Act, in section 25-O, in sub-section (8), the words “and an amount equivalent to his last three months average pay” shall be added at the end.
- Repeal and saving.** **5.** (1) The Industrial Disputes (Gujarat Amendment) Ordinance, 2020 is hereby repealed. **Guj. Ord. 5 of 2020.**
- (2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Since its inception, Gujarat has been an industrially progressive State and in the last decade, it has become an industrial hub and growth engine of the country. There have been cordial relations between the industry and the workers and there have been hardly any occasions of strikes or lock-outs. More and more industries are being established in Gujarat and therefore, the State Government has considered it necessary to strike the balance of interests between the industries and the workers and create an environment which is conducive to both, the industry and the workers. Industry and labour are both integral parts which ought to have relationship of professionalism, cordiality, and trust for sustained growth and development as also transforming the general quality of life.

2. Existing provision of section 25K of the Industrial Disputes Act, 1947 provides for applicability of Chapter VB to such industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than one hundred workmen were employed on an average per working day for the preceding twelve months. In such establishments, prior permission of the State Government is to be required for the employer before effecting lay off, retrenchment or closure. It is considered necessary to have provision which would help and encourage the employers to employ more number of workers in the establishment and therefore, said section 25K is proposed to be amended so as to increase the number of workmen from one hundred to three hundred.

3. Existing section 25N provides for conditions precedent to retrenchment of workmen. Under clause (a) of sub-section (1), it is required that three months' notice or in *lieu* of notice wages for notice period is to be given to the workers before retrenchment. To ensure that the employer shall only give notice of three months to such workmen, provision to give wages for notice period in *lieu* of notice is proposed to be deleted. Further, to provide additional financial security to the workman affected by such retrenchment, it considered necessary to amend sub-section (9) to the effect that in addition of that compensation, as prescribed in the said sub-section, the workman is paid an amount equivalent to his last three months average pay.

4. Similar provision is proposed to be added in sub-section (8) of section 25 O providing for payment to the workman of an amount equivalent to his last three months average pay, along with compensation on prescribed rates, must also be paid to the workers who are being affected by the closure of the establishment.

As the Legislative Assembly of the State of Gujarat was not in session, at that time, the Industrial Disputes (Gujarat Amendment) Ordinance, 2020 was promulgated to achieve the aforesaid objects.

This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

DILIPKUMAR THAKOR,

MEMORENDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative power in the following respect:-

Clause 2.- New sub-section (1A) proposed to be inserted in section 25K of the Industrial Disputes Act, 1947 by sub-clause (ii) of this clause empowers the State Government, on being satisfied that the maintenance of industrial peace or prevention of victimization of workmen so requires to apply, by notification in the *Official Gazette*, the provision of Chapter VB of the said Central Act of 1947 to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which such number of workmen which may be less than three hundred but not less than one hundred, as may be specified in the notification, were employed on an average per working day for the preceding twelve months.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 11th September, 2020.

DILIPKUMAR THAKOR.

By order and in the name of the Governor of Gujarat,

K. M. LALA,

Gandhinagar

Secretary to the Government of Gujarat,

Dated the 14th September, 2020.

Legislative and Parliamentary Affairs Department.



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(to be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE FACTORIES (GUJARAT AMENDMENT) BILL, 2020.

GUJARAT BILL NO. 17 OF 2020.

A BILL

further to amend the Factories Act, 1948 in its application to the State of Gujarat.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Factories (Gujarat Amendment) Act, 2020.

Short title and
commencement.

(2) It shall be deemed to have come into force on the 3rd July, 2020.

| | | |
|---|--|----------------------|
| Amendment of section 2 of LXIII of 1948. | <p>2. In the Factories Act, 1948, in its application to the State of Gujarat (hereinafter referred to as “the principal Act”), in section 2, in clause (m),-</p> <p>(i) in sub-clause (i), for the word “ten”, the word “twenty” shall be substituted;</p> <p>(ii) in sub-clause (ii), for the word “twenty”, the word “forty” shall be substituted.</p> | LXIII of 1948. |
| Amendment of section 85 of LXIII of 1948. | <p>3. In the principal Act, in section 85, in sub-section (1), in clause (i), for the words “ten” and “twenty”, the words “twenty” and “forty” shall be substituted, respectively.</p> | |
| Insertion of new section 106B in LXIII of | <p>4. In the principal Act, after section 106A, the following section shall be inserted, namely:-</p> | |
| Compounding of offences. | <p>“106B. The State Government may, by notification in the <i>Official Gazette</i>, specify such offences, which shall be compounded by such officer or authority for such amount as may be specified in the said notification:</p> <p>Provided that such amount shall not exceed the maximum amount of fine fixed for the offence:</p> <p>Provided further that where the offence is so compounded –</p> <p>(a) before the institution of the prosecution, the offender shall not be liable to prosecution, for such offence;</p> <p>(b) after the institution of the prosecution, the compounding shall amount to acquittal of the offender:</p> <p>Provided also that no offence shall be compounded if a factory is involved in a hazardous process as specified in Chapter IV and Chapter IVA. ”.</p> | |
| Repeal and saving. | <p>5. (1) The Factories (Gujarat Amendment) Ordinance, 2020 is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.</p> | Guj. Ord. 6 of 2020. |

STATEMENT OF OBJECTS AND REASONS

Under sub-clauses (i) and (ii) of clause (m) of section 2 of the Factories Act, 1948 “factory” has been defined as any premises, including the precincts thereof (i) whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or (ii) whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on. Because of the existing limit, small units are also covered under the definition of “factory”. Due to increase in manufacturing activities by small units in the State, the existing threshold limit of “ten” and “twenty” is proposed to be amended by “twenty” and “forty” respectively, so that establishing of small manufacturing units be promoted resulting in creation of more employment opportunities for workers. Consequently, the existing section 85 of the Act is proposed to be amended.

The Factories Act, 1948 does not provide for compounding of offences and it results in higher number of prosecution cases. For speedy disposal of offences and to minimise the number of litigation, a new provision, *i.e.* section 106B is also proposed to be inserted in the said Central Act of 1948 for compounding of offences.

As the Legislative Assembly of the State of Gujarat was not in session, at that time, the Factories (Gujarat Amendment) Ordinance, 2020 was promulgated to achieve the aforesaid objects.

This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

DILIPKUMAR THAKOR,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative power in the following respect:--

Clause 4.- New section 106B proposed to be inserted in the Factories Act, 1948 by of this clause empowers the State Government to specify, by notification in the *Official Gazette*, such offences which shall be compounded by such officer or authority for such amount not exceeding the maximum amount of fine fixed for such offence.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 11th September, 2020.

DILIPKUMAR THAKOR.

By order and in the name of the Governor of Gujarat,

K. M. LALA,

Gandhinagar

Dated the 14th September, 2020.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE CONTRACT LABOUR (REGULATION AND ABOLITION) (GUJARAT AMENDMENT) BILL, 2020.

GUJARAT BILL NO. 18 OF 2020.

A BILL

*further to amend the Contract Labour (Regulation and Abolition) Act, 1970 in
its application to the State of Gujarat.*

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Contract Labour (Regulation and Abolition) (Gujarat Amendment) Act, 2020.

Short title and
commencement.

(2) It shall be deemed to have been come into force on the 20th July, 2020.

**Amendment
of section 1 of
37 of 1970.**

2. In the Contract Labour (Regulation and Abolition) Act, 1970, in its application to the State of Gujarat (hereinafter referred to as “the principal Act”), in section 1, in sub-section (4),-

37 of 1970.

(i) in clause (a), for the word “twenty”, the word “fifty” shall be substituted;

(ii) in clause (b), for the word “twenty”, the word “fifty” shall be substituted;

(iii) in the proviso, for the word “twenty”, the word “fifty” shall be substituted.

**Repeal
and
saving.**

3. (1) The Contract Labour (Regulation and Abolition) (Gujarat Amendment) Ordinance, 2020 is hereby repealed.

**Guj.
Ord. 7 of
2020.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Contract Labour (Regulation and Abolition) Act, 1970 has been enacted by the Government of India as a means of regulating and ensuring the conditions of service and the payments to the labour employed by the industries.

During the present situation prevailing due to the COVID – 19, it is necessary to boost the economic activity and by way of offering an economic revival package in the State, it is felt that the establishments and contractors which employ more 50 people or more (previously 20) may be covered under the Act. It is also felt that because of the existing threshold limit, principal employers while hiring personnel or procuring commodities find it difficult to execute contracts, as the small units face hardship in ensuring formalities under the Act. It has been observed that the lower limit either encourages non-compliance or restricts the engagement of required labour as per demand. It is therefore, proposed that the existing threshold limit needs upward revision so as to provide more opportunity of employment and facilitate business in small units.

As the Legislative Assembly of the State of Gujarat was not in session, at that time, the Contract Labour (Regulation and Abolition) (Gujarat Amendment) Ordinance, 2020 was promulgated to achieve the aforesaid object.

This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

Dated the 11th September, 2020.

DILIPKUMAR THAKOR.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 14th September, 2020.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT LAND GRABBING (PROHIBITION) BILL, 2020.

GUJARAT BILL NO. 19 OF 2020.

A BILL

to prohibit land grabbing activities and connected matters in the State of Gujarat.

It is hereby enacted in the Seventy-first Year of the Republic of India as follow:-

1. (1) This Act may be called the Gujarat Land Grabbing (Prohibition) Act, 2020.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall be deemed to have come into force on the 29th August, 2020.

Short title,
extent and
commencement.

Definitions.**2.** In this Act, unless the context otherwise requires,-

- (a) "Committee" means a committee notified from time to time by the State Government under the chairmanship of District Collector for the purposes of this Act;
- (b) "Government" means the Government of Gujarat;
- (c) "land" includes rights in or over land, benefits to arise out of land and buildings, structures and other things attached to the earth or permanently fastened to anything attached to the earth;
- (d) "land grabber" means a person who commits land grabbing and includes any person who gives financial aid to any person for taking illegal possession of lands or for construction of unauthorized structures thereon, or who collects or attempts to collect from any occupiers of such lands rent, compensation and other charges by criminal intimidation, or who abets the doing of any of the above mentioned acts, and also includes the successors-in-interest;
- (e) "land grabbing" means every activity of land grabber to occupy or attempt to occupy with or without the use of force, threat, intimidation and deceit, any land (whether belonging to the Government, a Public Sector Undertaking, a local authority, a religious or charitable institution or any other private person) over which he or they have no ownership, title or physical possession, without any lawful entitlement and with a view to illegally taking possession of such land or creating illegal tenancies or lease or licence, agreements or transfer or sale or by constructing unauthorized structures thereon for sale or hire or use or occupation of such unauthorized structures and the term "grabbed land" shall be construed accordingly;
- (f) "person" includes a group or body of persons, an association or a company, or a religious or charitable institution or endowment, whether incorporated or not;

- (g) “prescribed” means prescribed by rules made under this Act;
- (h) ‘Special Court’ means a Special Court constituted under section 7;
- (i) “unauthorized structures” means any structure constructed, without express permission in writing of the competent authority, or except in accordance with any law for the time being in force in the area.

3. The land grabbing in any form shall be prohibited and declared unlawful and any activity connected with or arising out of land grabbing shall be an offence punishable under this Act.

**Land
grabbing
to be
unlawful.**

4. (1) No person shall commit or cause to be committed land grabbing, by himself or through any other person.

**Prohibition on
land grabbing.**

(2) Any person who, on or after the commencement of this Act, continues to be in occupation, otherwise than as a lawful tenant, of a grabbed land belonging to the Government, local authority, religious or charitable institution or endowment or other private person, shall be guilty of an offence under this Act.

(3) Whoever contravenes the provisions of sub-section (1) or sub-section (2) shall on conviction, be punished with imprisonment for a term which shall not be less than ten years but which may extend to fourteen years and with fine which may extend to *Jantri* value of such properties.

5. Whoever, with a view to grabbing land in contravention of the provisions of this Act or in connection with any such land grabbing,-

**Penalty for
other offences in
connection with
land grabbing.**

- (a) sells or allots, or offers or advertises for sale or allotment, or has in his possession for the purpose of sale or allotment any land grabbed;
- (b) instigates or incites any person to commit land grabbing;
- (c) uses any land grabbed or causes or permits knowingly to be used for purposes, connected with sale or allotment; or

- (d) enters into an agreement for construction of any structure or buildings on such land;
- (e) causes or procures or attempts to procure any person to do any of above mentioned acts;

shall, on conviction, be punished with imprisonment for a term which shall not be less than ten years but which may extend to fourteen years and with fine which may extend to *Jantri* value of such properties.

Offences by companies.

6. (1) If the person contravening the provisions of this Act is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:— For the purposes of this section:-

- (a) "Company" means anybody corporate and includes firm or other association of individuals; and
- (b) "Director" in relation to a firm, means a partner in the firm.

Constitution of Special Courts.

7. (1) The State Government may, with the concurrence of the Chief Justice of the High Court of Gujarat, by notification in the *Official Gazette* constitute one or more Special Courts for such area or areas, or for such cases or class or group of cases, as may be specified in the notification.

(2) Where any question arises as to the jurisdiction of any Special Court, it shall be referred to the State Government, whose decision in the matter shall be final.

(3) A Special Court shall be presided over by a judge to be appointed by the State Government with the concurrence of the Chief Justice of the High Court of the Gujarat.

(4) The State Government may also appoint, with the concurrence of the Chief Justice of the High Court of Gujarat, Additional Judges to exercise jurisdiction of the Special Court.

(5) A person shall not be qualified for appointment as a Judge or an Additional Judge of a Special Court unless he immediately before such appointment, is or has been a Sessions Judge or a District Judge.

(6) The Government from time to time may, by notification in the *Official Gazette*, reconstitute the Special Courts constituted under sub-section (1) and may, at any time abolish such Special Courts by a like notification.

(7) A Judge of the Special Court shall hold office for a term of three years from the date on which he enters upon his office, or until the Special Court is reconstituted or abolished under sub-section (6), whichever is earlier.

8. The State Government shall appoint, for every Special Court, a person to be the Public Prosecutor.

**Public
Prosecutor.**

9. (1) The Special Court may, either *suo moto* or on application made by any person, or any officer authorized by District Collector, take cognizance of and try every case arising out of any alleged act of land grabbing or with respect to the ownership and title to, or lawful possession of, the land grabbed, whether before or after the commencement of this Act, and pass such orders (including orders by way of interim directions) as it deems fit.

**Procedure and
powers of
Special Courts.**

(2) Notwithstanding anything in the Code of Civil Procedure, 1908, any case in respect of an alleged act of land grabbing or the determination of question of title and ownership to, or lawful possession of any land grabbed

V of 1908.

under this Act, shall, subject to the provisions of this Act, be triable in the Special Court and the decision of Special Court shall be final.

(3) Notwithstanding anything in the Code of Civil Procedure 1908, the Special Court may follow its own procedure which shall not be inconsistent with the principles of natural justice and fair play and subject to the other provisions of this Act and of any rules made thereunder while deciding the Civil liability, **V of 1908.**

(4) Notwithstanding anything in the Code of Criminal Procedure, 1973, it shall be lawful for the Special Court to try all offences punishable under this Act. **2 of 1974.**

(5) The Special Court shall determine the order in which the civil and criminal liability against a land grabber be initiated. It shall be within the discretion of the Special Court whether or not to deliver its decision or order until both civil and criminal proceedings are completed. The evidence admitted during the criminal proceeding may be made use of while trying the civil liability. But additional evidence, if any, adduced in the civil proceedings shall not be considered by the Special Court while determining the criminal liability. Any person accused of land grabbing or the abetment thereof before the Special Court shall be a competent witness for the defence and may give evidence on oath in disproof of the charge made against him or any person charged together with him in the criminal proceeding:

Provided that he shall not be called as a witness except on his own request in writing or his failure to give evidence shall be made the subject of any comment by any of the parties or the special court or give rise to any presumption against himself or any person charged together with him at the same proceeding.

(6) Every case under sub-section (1) shall be disposed off finally by the Special Court, as far as possible, within a period of six months from the date of institution of the case before it.

(7) Every finding of the Special Court with regard to any alleged act of land grabbing shall be conclusive proof of the fact of land grabbing and of the persons who committed such land grabbing, and every judgment of the Special Court with regard to the determination of title and ownership to, or lawful possession of, any land grabbed shall be binding on all persons having interest in such land.

(8) When an offence of land grabbing is proved, the Special Court may if it thinks fit, order that possession of the same be restored to that person after evicting by force, if necessary, any other person who may be in possession of the property.

(9) It shall be lawful for the Special Court to pass such order as it may deem fit to advance the cause of justice. It may award compensation in terms of money for wrongful possession of the land grabbed which shall not be less than an amount equivalent to the *Jantri* value of the land grabbed as on the date of the order and profits accrued from the land payable by the land grabber to the owner of the grabbed land and may direct re-delivery of the grabbed land to its rightful owner. The amount of compensation and profits, so awarded and costs of re-delivery, if any, shall be recovered as an arrear of land revenue in case the Government is the owner, or as a decree of a civil court, in any other case to be executed by the Special Court:

Provided that the Special Court shall, before passing an order under this sub-section, give to the land grabber an opportunity of making his representation or of adducing evidence, if any, in this regard, and consider such representation and evidence.

V of 1908. 10. Save as expressly provided in this Act, the provisions of the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973, in so far as they are not inconsistent with the provisions of this Act, shall apply to the proceedings before the Special Court and for the purposes of the provisions of the said enactments, Special Court shall be deemed to be a Civil Court, or as the case may be, a Court of Sessions and shall have all the powers of a Civil Court and a Court of Sessions and person conducting a prosecution before the Special Court shall be deemed to be an Assistant Public Prosecutor.

Special Court to have powers of Civil Court and the Court of Sessions.

Burden of proof.

11. (1) Where in any proceedings under this Act, a land is alleged to have been grabbed, and such land is *prima facie* proved to be the land owned by the Government or by a private person, the Special Court shall presume that the person who is alleged to have grabbed the land is a land-grabber and the burden of proving that the land has not been grabbed by him shall be on such person.

(2) Where it is proved that a land grabber or any person on his behalf is or has at any time been, in possession of movable or immovable property which he cannot satisfactorily account for, or where his pecuniary resources are disproportionate to his known sources of income, the Court shall, unless contrary is proved, presume that such property or pecuniary resources have been acquired or derived by his activities as a land grabber.

Information to be recorded and investigation to be carried out by the police officer.

12. Notwithstanding anything contained in the Code of Criminal Procedure, 1973,-

(a) no information about the commission of an offence under this Act, shall be recorded by a police officer without the prior approval of the District Collector in consultation with the Committee notified by the Government;

(b) no investigation of an offence under the provision of this Act shall be carried out by a police officer below the rank of the Deputy Superintendent of Police, or for the areas where the Commissioner of Police is appointed by the State Government, by a police officer not below the rank of the Assistant Commissioner of Police.

Persons acting under the Act to be public servants.

13. Every person acting under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection of action taken in good faith.

14. No suit, prosecution or other legal proceeding shall lie against any officer or employee of the special Court or any officer of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

15. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or custom, usage or agreement or decree or order of a court or any other tribunal or authority.

**Act to
override
other laws.**

16. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

**Power to
make rules.**

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the legislature may make during the session in which they are so laid or the session immediately following.

17. Any transaction relating to an alienation of a land grabbed or any part thereof by way of sale, lease, gift, exchange, settlement, surrender, usufructuary mortgage or otherwise, or any partition effected or a trust created in respect of such land, which has taken place whether before or after the commencement of this Act shall, except to the extent ordered by the Special Court be null and void.

**Prohibition of
alienation of
lands grabbed.**

18. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as appears to be necessary or expedient for removing the difficulty:

**Power of State
Government to
remove
difficulties.**

Provided that no order under sub-section (1) shall be made after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

**Guj. Ord.
10 of
2020.**

19. (1) The Gujarat Land Grabbing (Prohibition) Ordinance, 2020 is hereby repealed.

**Repeal and
saving.**

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the said Act.

STATEMENT OF OBJECTS AND REASONS

It has come to the notice of the Government that there are attempts on the part of certain lawless persons operating individually or in groups to grab either by force, or by deceit or otherwise lands belonging to the Government, a local authority, a religious or charitable institution or endowment as well as private individuals. The land grabbers are setting up fictitious claims and indulging in large scale and fraudulent sales of land through unscrupulous real estate dealers or otherwise. As public order is adversely affected by such unlawful activities of land grabbers in the State.

Hence, the State Government of Gujarat with a view to prohibiting the activities of land grabbing and to provide for matters connected therewith has proposed to bring the Gujarat Land Grabbing (Prohibition) Act, 2020 into force. Apart from declaring land grabbing as unlawful, the State Government proposes to prohibit land grabbing. Therefore, it is proposed to provide for penalty for offences in connection with land grabbing to effectively implement this Act and for the purpose of providing speedy enquiry into an alleged act of land grabbing and trial of cases in respect of the ownership and title to, or lawful possession of the land grabbed by constituting a Special Court. It is felt that the State Government shall be able to curb the illegal land grabbing by enforcing the proposed legislation.

As the Gujarat Legislative Assembly was not in session at that time, the Gujarat Land Grabbing (Prohibition) Ordinance, 2020 was promulgated to achieve the aforesaid objects.

The Bill seeks to replace the said Ordinance by an Act of the State Legislature.

The following notes on *clauses* explain, in brief, the important provisions of the Bill:-

Clause 1.- This clause provides for short title, extent and commencement of the Act.

Clause 2.- This clause defines certain terms used in the Bill.

Clauses 3 and 4.-These clauses provide that the land grabbing in any form shall be prohibited and shall be declared unlawful and any activity connected with or arising out of land grabbing shall be an offence punishable under the Act; it also provide for punishment for continuing to be in occupation, otherwise than as a lawful tenant, of a grabbed land belonging to the Government, local authority, religious or charitable institution or endowment or other private person.

Clause 5.- This clause provides for penalty for the offences as specified therein committed in connection with land grabbing.

Clause 6.- This clause provides for the offences committed by the company.

Clause 7.- This clause provides for the constitution of the Special Courts with the concurrence of the Chief Justice of the High Court of Gujarat.

Clause 8.- This clause provides for the appointment of the public prosecutor for the special court.

Clause 9.- This clause provides for the procedure to be followed and the powers to be exercised by the Special Court.

Clause 10.- This clause provides that the Special Court shall be deemed to be a Civil Court or a Court of Sessions and shall have all the powers of a Civil Court and a Court of Sessions and person conducting a prosecution before the Special Court shall be deemed to be an Assistant Public Prosecutor.

Clause 11.- This clause provides for the burden of proof would lie on the person who is alleged to have grabbed the land.

Clause 12.-This clause provide for the Information to be recorded and investigation to be carried out by the police officer.

Clause 13.-This clause provides that every person acting under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Clause 14.-This clause provides for the protection of action taken in good faith.

Clause 15.-This clause provides that the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or custom, usage or agreement or decree or order of a court or any other tribunal or authority.

Clause 16.- This clause provides for the power of State Government to make rules under this Act.

Clause 17.- This clause provides for the alienation of the lands grabbed.

Clause 18.- This clause empowers the State Government to remove difficulties arising within a period of two years in giving effect to the provisions of the Act.

KAUSHIK PATEL,

FINANCIAL MEMORANDUM

Clause 7 of the Bill seeks to empower the State Government, with the concurrence of the Chief Justice of the High Court of Gujarat, to constitute one or more Special Courts for such area or areas, or for such cases or class or group of cases as also *clause 8* of the Bill provides for the appointment of the Public Prosecutor. Hence, the Bill, if enacted and brought into force would involve expenditure from the Consolidated Fund of the State. However, at present, it is not possible to ascertain the exact amount of grant to be made available for such purpose.

KAUSHIK PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

Clause 7.- (i) Sub-clause (1) of this clause empowers the State Government to constitute, by notification in the *Official Gazette*, one or more Special Courts for such area or areas, or for such cases or class or group of cases, as may be specified in the notification, with the concurrence of the Chief Justice of the High Court of Gujarat.

(ii) sub-clause (6) of this clause empowers the State Government to reconstitute, by notification in the *Official Gazette*, the special Courts constituted under sub-clause (1) and also empowers to abolish at any time such Special Courts.

Clause 16. – Sub-clause (1) of this clause empowers the State Government to make, by notification in the *Official Gazette*, rules for carrying out the purposes of the Act.

Clause 18. – Sub-clause (1) of this clause empowers the State Government to make an order published in *Official Gazette*, to remove any difficulty if arisen in giving effect to the provisions of this Act within a period of two years.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 16th September, 2020.

KAUSHIK PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 16th September, 2020.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT PREVENTION OF ANTI-SOCIAL ACTIVITIES

(AMENDMENT) BILL, 2020.

GUJARAT BILL NO. 20 OF 2020.

A BILL

further to amend the Gujarat Prevention of Anti-social Activities Act, 1985.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Prevention of Anti-social Activities (Amendment) Act, 2020.

Short title and
commencement.

(2) It shall be deemed to have come into force on the 7th September, 2020.

Amendment
of long title of
Guj. 16 of
1985.

2. In the Gujarat Prevention of Anti-social Activities Act, 1985 (hereinafter referred to as “the principal Act”), in the long title, for the words “immoral traffic offenders and property grabbers”, the words “immoral traffic offenders, property grabbers, cyber offenders, money lending offenders and sexual offenders” shall be substituted.

Guj. 16 of
1985.

Amendment
of section 2 of
Guj. 16 of
1985.

3. In the principal Act, in section 2, -

(i) for clause (bb), the following clause shall be substituted, namely:-

“(bb) “common gaming house keeper” means a person who commits or attempts to commit or abets the commission of an offence punishable under section 4 of the Gujarat Prevention of Gambling Act, 1887;”;

Bom. IV of
1887.

(ii) after clause (bbb), the following clause shall be inserted, namely:-

“(ba) “cyber offender” means a person who commits or attempts to commit or abets the commission of offence punishable under Chapter XI of the Information Technology Act, 2000;”;

21 of 2000.

(iii) in clause (c), for the words “Chapter XVI or Chapter XVII of the Indian Penal Code”, the words “Chapter VIII or Chapter XVI (except section 354, 354A, 354B, 354C, 354D, 376, 376-A, 376-B, 376-C, 376-D or 377) or Chapter XVII or Chapter XXII of the Indian Penal Code” shall be substituted.

45 of 1860.

45 of
1860.

(iv) after clause (g), the following clause shall be inserted, namely:-

“(ga) “money lending offender” means a person, who commits or attempts to commit or abets the commission of offences under Chapter IX of the Gujarat Money Lenders Act, 2011 or a money lender or any person engaged by the money lender or someone acting on his behalf, who uses or threatens to use

Guj. 14 of
2011.

physical violence directly or otherwise or through any person against any person for the purpose of collecting any part of the loan or interest thereon or any instalment thereof or for taking any movable or immovable property connected with the loan transaction or the realization of whole or part of the loan amount or interest thereon.”.

(v) after clause (h), the following clause shall be inserted, namely:-

“(ha) “sexual offender” means a person, who commits or attempts to commit or abets the commission of any offence punishable under section 354, 354A, 354B, 354C, 354D, 376, 376-A, 376-B, 376-C, 376-D or 377 of the Indian Penal Code or the Protection of Children from Sexual Offences Act, 2012;”.

45 of 1860.
32 of 2012.

4. In the principal Act, in section 3, in sub-section (4), after the words “immoral traffic offender or property grabber”, the words “cyber offender or money lending offender or sexual offender” shall be inserted.

Amendment
of section 3 of
Guj. 16 of
1985.

Guj. Ord.
11
of 2020.

5. (1) The Gujarat Prevention of Anti-social Activities (Amendment) Ordinance, 2020 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

Repeal
and
saving.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Prevention of Anti-social Activities Act, 1985 has been immensely useful in maintaining peace and order by detaining the anti-social elements. However, with the rapid growth of the State, the law enforcement agencies are faced with the challenges of new kind of offenders, viz. the sexual offenders, the cyber-crime offenders and money lenders lending money at the exorbitant rate of interest in clear violation of the provisions of the Gujarat Money Lenders Act, 2011 and causing the recovery of the moneys lent to the persons in need by resorting to myriad ways of recovery and therefore, it is need of the hour to protect and safeguard the interests of the public at large from such challenges of the said offenders.

It is also noticed that the provision for detention of “common gaming house” has proved to be ineffective as it entails conviction for the offence punishable under section 4 of the Gujarat Prevention of Gambling Act, 1887 and the commission of another offence under the said section within a period of three years.

The said Act is therefore, required to be amended by inserting therein the definitions of the sexual offenders, cyber-crime offenders and money lending offenders as also substituting the definition of the “common gaming housekeepers” so as to effectively counter the said offenders. *Clauses 2, 3 and 4 of the Bill* provides for the same.

As the Legislative Assembly of the State of Gujarat was not in session at that time, the Gujarat Prevention of Anti-social Activities (Amendment) Ordinance, 2020 was promulgated to amend the said Act to achieve the aforesaid objects.

This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

Dated the 16th September, 2020.

PRADEEPSINH JADEJA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 16th September, 2020.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

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(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT FISHERIES (AMENDMENT) BILL, 2020.

GUJARAT BILL NO. 21 OF 2020.

A BILL

further to amend the Gujarat Fisheries Act, 2003.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Fisheries (Amendment) Act, 2020.

Short title and commencement.

(2) It shall be deemed to have come into force on the 22nd June, 2020.

**Amendment
of section 2
of Guj. 8 of
2003.**

2. In the Gujarat Fisheries Act, 2003 (hereinafter referred to as “the principal Act”), in section 2, - **Guj. 8 of 2003.**

- (i) to clause (a), the following proviso shall be added, namely:-
“Provided that the District Magistrate shall be the Adjudicating Officer for the purpose of clause (c) of sub-section (1) of section 17;”;
- (ii) after clause (b), the following clause shall be inserted, namely:-
“(bb) “crossing of notional Indo-Pak International Maritime Boundary Line” means an act of fishing vessel entering any area in the “No Fishing Zone” as notified by the Ministry of Home Affairs on 4th May, 1993 which is situated within the territorial waters;”;
- (iii) for clause (c), the following clause and the proviso thereunder shall be substituted, namely:-
“(c) “Enforcement Officer” means such fishery officer or any Police Sub-Inspector or above, posted in the Marine Police Station as notified by the State Government under clause (s) of section 2 of the Code of Criminal Procedure, 1973 as the State Government may appoint for the purpose of section 15: **2 of 1974.**
Provided that the Sub-Divisional Magistrate of the concerned area shall be the Enforcement Officer for the purpose of clause (f) of sub-section (1) of section 21.”.

**Amendment
of section 6
of Guj. 8 of
2003.**

3. In the principal Act, in section 6, in the marginal note, after the words “to protect fish”, the words “and to ensure internal security” shall be added.

**Amendment
of section 15
of Guj. 8 of
2003.**

4. In the principal Act, in section 15, -

- (i) in clause (iii), the word “and” appearing at the end shall be deleted;
- (ii) in clause (iv), the words “and in other cases, to the Police officer in charge of a police station” shall be deleted;

(iii) after clause (iv), the following clauses shall be added, namely:-

- “(v) use such force for taking any action under clause (i) as may reasonably be necessary,
- (vi) where any vessel or other things are seized by the Enforcement Officer, the same may reasonably be necessary,
- (vii) provide to the seized vessel, the docking facility by the port notified for the purpose and charges towards docking, maintenance and other related costs of the seized vessel in the manner as may be prescribed, and
- (viii) produce the seized vessel or other things before a magistrate competent to try an offence under this Act as soon as possible and the magistrate may make such order therefor as he may deem fit.”.

5. In the principal Act, in section 17, in sub-section (1),-

- (1) in clause (a), the word “or” appearing at the end shall be deleted;
- (2) in clause (b), for the words “such permission” appearing at the end, the words “such permission, or” shall be substituted;
- (3) after clause (b), the following clause shall be inserted, namely:-

“(c) the Sub-Divisional Magistrate under clause (f) of sub-section (1) of section 21 imposing fine on the person entering the territorial water.”.

**Amendment
of section 17
of Guj. 8 of
2003.**

6. In the principal Act, in section 21, in sub-section (1), after clause (e), the following clause shall be added, namely:-

“(f) Whoever enters the territorial waters with the fishing vessel from outside the territorial waters of the State for the purpose of fishing or for any other allied purpose in contravention of any provision of this Act shall be punishable by the Sub-Divisional Magistrate of the concerned area

**Amendment
of section 21
of Guj. 8 of
2003.**

with fine of rupees one lakh and five times the value of the fish captured by such person.”.

**Amendment
of section 23
of Guj. 8 of
2003.**

7. In the principal Act, in section 23, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence other than the offence punishable under clause (b), (c), (d) or (f) of sub-section (1) of section 21 shall be cognizable.”. **2 of 1974.**

**Repeal
and
saving.**

8. (1) The Gujarat Fisheries (Amendment) Ordinance, 2020 is hereby repealed. **Guj. Ord. 4
of 2020.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

As everybody is aware, Gujarat State has the longest coastline in India and is a State having very strategic location in India. It is therefore, utmost necessity to guard the national boundary across the Gujarat Coast.

The State of Gujarat being strategically located in India has unique issues that require urgent attention. It is also necessary that the safety and well-being of the fishermen doing fishing operations along the Gujarat Coast should also be maintained. It is therefore, necessary to see that no unscrupulous persons enter or pass through the territorial waters of Gujarat State without proper registration. For the purpose, it is also necessary to check the fishing vessels as also their identity while they are undertaking fishing activities so that no anti-social or anti-national activities take place under the garb of fishing.

The Gujarat Fisheries Act, 2003 has been enacted and the Gujarat Fisheries Rules, 2003 have been made thereunder to provide for protection, conservation, development and regulation of fisheries in inland and territorial waters of the State of Gujarat and for matters connected therewith or incidental thereto. It is found necessary to amend the provisions of the said Act and the rules to provide for a mechanism to regulate and monitor the fishing vessels and the fishing activities by empowering the police to work in cooperation with the fisheries officers and the coast guards so that the security of the State is not jeopardized by anybody under the garb of the fishing activities in the territorial waters. Certain provisions of the said Act are therefore, amended.

As the Legislative Assembly of the State of Gujarat was not in session, at that time, the Gujarat Fisheries (Amendment) Ordinance, 2020 was promulgated to achieve the aforesaid objects.

This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

JAWAHAR CHAVDA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative power in the following respect:--

Clause 4.--- New clause (vii) in section 15 proposed to be inserted by this clause empowers the State Government to prescribe by rules, the manner in which the Enforcement Officer may provide to the seized vessel, the docking facility by the port notified for the purpose and charges towards docking, maintenance and other related costs of the seized vessel.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 16th September, 2020.

JAWAHAR CHAVDA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 16th September, 2020.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



सत्यमेव जयते



The Gujarat Government Gazette

EXTRAORDINARY
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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT GOONDA AND ANTI-SOCIAL ACTIVITIES (PREVENTION) BILL, 2020.

GUJARAT BILL NO. 22 OF 2020.

A BILL

*to make special provisions for the prevention of, and for coping with,
goonda and anti-social activities and for matters connected therewith or
incidental thereto.*

It is hereby enacted in the Seventy-first Year of the Republic of India
as follow:-

1. (1) This Act may be called the Gujarat Goonda and Anti-social Activities (Prevention) Act, 2020.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall be deemed to have come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title, extent
and
commencement.

Definitions.**2.**

(1) In this Act, unless the context otherwise requires, -

(a) "Code" means the Code of Criminal Procedure, 1973; 2 of 1974.

(b) "goonda" means a person, who, with the object of disturbing public order or of gaining any undue temporal, pecuniary, material or other advantage for himself or any other person, indulges in any anti-social activity, either singly or in group, by violence, or threat or show of violence or intimidation or coercion;

(c) "anti-social activity" means acting in such manner as to cause or is likely to cause, directly or indirectly, any feeling of insecurity, danger or fear among the general public or any section thereof, or any danger to the safety of individuals, safety of public, public health or the ecological system or any loss or damage to public exchequer or to any public or private property or indulges in any activities, such as -

(i) offences punishable under Chapter VIII or Chapter XV or Chapter XVI or Chapter XVII or Chapter XXII of the Indian Penal Code; or 45 of 1860.

(ii) distilling or manufacturing or storing or transporting or importing or exporting or selling or distributing any liquor, or intoxicating or dangerous drugs, or other intoxicants or narcotics or cultivating any plant, in contravention of any of the provisions of the Gujarat Prohibition Act, 1949 or the Narcotic Drugs and Psychotropic Substances Act, 1985 or any other law for the time being in force; or 25 of 1949.
61 of 1985.

(iii) taking or attempting to take or aids or abets in taking possession of immovable property otherwise than in accordance with law, or setting-up false claims for title or forging of title documents of immovable property, whether for himself or on behalf of others or knowingly giving financial aid to any person for

taking illegal possession of such properties or evicting or attempting to evict any such legal possessor of immovable property by force or by criminal intimidation; or

104 of 1956.
32 of 2012.

(iv) offences punishable under the Immoral Traffic (Prevention) Act 1956, the Protection of Children from Sexual Offences Act, 2012; or

Guj. 4 of 1887.

(v) offences punishable under section 4 of the Gujarat Prevention of Gambling Act, 1887; or

(vi) preventing any person from offering bids in auction lawfully conducted, or tender, lawfully invited, by or on behalf of any Government Department, local body or public or private undertaking, for any lease or rights or supply of goods or services or work to be done; or

(vii) preventing or disturbing the smooth running by any person of his lawful business, profession, trade or employment or any other lawful activity connected therewith; or

(viii) inciting others to resort to violence to disturb communal harmony; or

(ix) creating panic, alarm or terror in public; or

(x) terrorising or assaulting employees or owners or occupiers of public or private undertakings or factories and causing mischief in respect of their properties; or

(xi) kidnapping or abducting any person with intent to extort ransom; or

Guj. 14 of 2011.

(xii) use or threaten to use physical violence, directly or otherwise or through any person against any person for the purpose of collecting any part of the loan or interest levied in excess of the rate of interest notified under the Gujarat Money Lenders Act, 2011 thereon or any instalment thereof or for taking any movable or

immovable property connected with the loan transaction or the realization of whole or part of the loan amount or interest thereon; or

- (xiii) illegally transporting and/or smuggling of cattle and indulging in acts in contravention of the provisions in the Gujarat Animal Preservation Act, 1954 and the Prevention of Cruelty to Animals Act, 1960; or

Guj. 72 of
1954.
59 of 1960.

- (xiv) human Trafficking for purposes of commercial exploitation, bonded labour, child labour, sexual exploitation, organ removing and trafficking, beggary and the like activities; or

- (xv) involving in manufacture, sale and transportation of arms and ammunition in contravention of sections 5, 7 and 12 of the Arms Act, 1959; or

54 of 1959.

- (xvi) indulging in crimes that impact security of State, public order and even tempo of life.

- (d) "Public Servant" means a public servant as defined in section 21 of the Indian Penal Code or any other law for the time being in force.

45 of 1860.

(2) Words and phrases used but not defined in this Act and defined in the Code of Criminal Procedure, 1973 or the Indian Penal Code shall have the meanings respectively assigned to them in such Codes.

2 of 1974.

45 of 1860.

Penalty.

3. (1) Whenever a goonda is involved in or is making preparation for engaging in any anti-social activity or is found to be acting in any manner prejudicial to the maintenance of the public order, the goonda shall be punished with imprisonment of either description for a term which shall not be less than seven years and which may extend to ten years and also with fine which shall not be less than fifty thousand rupees:

(2) Whoever, being a public servant renders any illegal help or support in any manner to a goonda, whether before or after the commission of any

offence by the goonda (whether by himself or through others) or abstains from taking lawful measures or intentionally avoids to carry out the direction of any court or of his superior officers, in this respect, shall be punished with imprisonment of either description for a term which may extend to ten years but shall not be less than three years and also with fine.

(3) Any act committed by a goonda in contravention of rules made under this Act shall be punishable with imprisonment for a term not exceeding six months with or without fine not exceeding rupees ten thousand.

1 of 1872. 4. Notwithstanding anything to the contrary contained in the Code or the Indian Evidence Act, 1872, for the purposes of trial and punishment for offences under this Act or connected offences;

**Special rules
of evidence.**

(a) The Court may take into consideration the fact that the accused was-

- 16 of 1985.** (i) on any previous occasion bound down under section 107 or section 108 or section 109 or section 110 of the Code; or
- (ii) detained under the Gujarat Prevention of Anti-Social Activities Act, 1985 and confirmed by the Advisory Board; or
- Guj. 22 of 1951.** (iii) externed under section 56 or section 57 of the Gujarat Police Act, 1951;
- 45 of 1860.** (iv) on any previous occasion convicted in a criminal case or facing criminal proceedings in a court of law for offences punishable under Indian Penal Code or any special law or local law;

(b) where it is proved that a goonda or any person on his behalf is or has at any time been, in possession of movable or immovable property which he cannot satisfactorily account for, or where his pecuniary resources are disproportionate to his known sources of income, the Court shall, unless contrary

is proved, presume that such property or pecuniary resources have been acquired or derived by his activities as a goonda;

- (c) where it is proved that the accused has kidnapped or abducted any person, the Court shall, presume that it was for ransom;
- (d) where it is proved that a gondola wrongfully concealed or confined a kidnapped or abducted person, the Court shall presume that the goonda knew that such person was kidnapped or abducted, as the case may be;
- (e) The Court may, if for reasons to be recorded it thinks fit so to do, proceed with the trial in the absence of the accused and record the evidence of any witness, provided that the witness may be recalled for cross-examination if the accused so desires but recording his examination in chief afresh in presence of the accused shall not be necessary.

**Constitution
of Special
Courts.**

5. (1) The State Government may, if it considers necessary so to do so in the interest of speedy trial of offences under this Act, by notification in the *Official Gazette*, for the whole or any part of the State, constitute one or more Special Courts.

(2) A Special Court shall be presided over by a Judge to be appointed by the State Government with the concurrence of the Chief Justice of the High Court of Gujarat.

(3) The State Government may also appoint, with the concurrence of the Chief Justice of the High Court of Gujarat, Additional Judges to exercise jurisdiction of a Special Court.

(4) A person shall not be qualified for appointment as a Judge or an Additional Judge of a Special Court unless he is, immediately before such appointment, a Sessions Judge or an Additional Sessions Judge in any State.

(5) Where the office of the Judge of the Special Court is vacant, or such Judge is absent from the ordinary place of sitting of Special Court, or he is incapacitated by illness or otherwise for the performance of his duties, any urgent business in the Special Court shall be disposed of-

- (a) by the Additional Judge, if any, exercising jurisdiction in that Special Court,
- (b) where there is no such Additional Judge available, in accordance with the directions of the Sessions Judge having jurisdiction over the ordinary place of sitting of the Special Court as notified.

(6) Where one Additional Judge is, or more Additional Judges are appointed in a Special Court, the Judge of the Special Court may, from time to time, by general or special order, in writing, provide for the distribution of business of the Special Court among himself and the Additional Judge or Additional Judges and also for the disposal of urgent business in the event of the absence of any Additional Judge.

6. A Special Court may, if it considers it expedient or desirable so to do, sit for any of its proceedings at any place, other than the ordinary place of its sitting:

Place of sitting.

Provided that if the Public Prosecutor certifies to the Special Court that it is, in his opinion necessary for the protection of the accused or any witness or otherwise expedient in the interest of justice that the whole or any part of the trial should be held at some place other than the ordinary place of its sitting, the Special Court may, after hearing the accused make an order to that effect unless, for reasons to be recorded in writing, the Special Court thinks fit to make any other order.

7. (1) Notwithstanding anything contained in the Code, where a Special Court has been constituted for any local area, every offence punishable under any provision of this Act or any rule made thereunder shall be triable only by the Special Court within whose local jurisdiction it was committed whether before or after the constitution of such Special Court.

Jurisdiction of Special Courts.

(2) All cases triable by a Special Court, which immediately before the constitution of such Special Court were pending before any Court, shall on creation of such Special Court having jurisdiction over such cases, stand transferred to it.

(3) Where it appears to any Court in the course of any inquiry or trial in respect of any offence that the case is one which should be tried by a Special Court constituted under this Act for the area in which such case has arisen, it shall transfer such case to such Special Court, and thereupon such case shall be tried and disposed of by the Special Court in accordance with the provisions of this Act:

Provided that it shall be lawful for the Special Court to act on the evidence, if any, recorded by the Court in the case in the presence of the accused before the transfer of the case under this section:

Provided further that if the Special Court is of opinion that further examination of any of the witnesses whose evidence is already recorded in the case is necessary in the interest of justice:

(4) The State Government may, if satisfied that it is necessary or expedient in the public interest so to do, transfer any case pending before a Special Court to another Special Court.

**Power of
Special
Courts with
respect to
other
offences.**

8. (1) When trying any offence punishable under this Act, a Special Court may also try any other offence with which the accused may, under any other law for the time being in force, be charged at the same trial.

(2) If in the course of any trial under this Act of any offence, it is found that the accused has committed any other offence under this Act or any rule there under or under any other law, the Special Court may convict such person of such other offence and pass any sentence authorised by this Act or such rule or, as the case may be, such other law, for the punishment thereof.

**Public
Prosecutor.**

9. (1) For every Special Court, the State Government shall appoint a person to be the Public Prosecutor and may appoint one or more persons to be the Additional Public Prosecutor or Additional Public Prosecutors:

Provided that the State Government may also appoint for any case or class of cases a Special Public Prosecutor.

(2) A person shall be eligible to be appointed as Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor under this section only if he has been in practice as an Advocate for not less than seven years or has held any post, for a period of not less than seven years, under the Union or State, requiring special knowledge of law.

(3) Every person appointed as a Public Prosecutor or an Additional Public Prosecutor or Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code and the provisions of the Code shall have effect accordingly.

10. (1) A Special Court may take cognizance of any offence triable by it, without the accused being committed to it for trial upon receiving a complaint of facts which constitute such offence or upon a police report of such facts.

**Procedure
and powers
of Special
Courts.**

(2) Where an offence triable by a Special Court is punishable with imprisonment for a term not exceeding three years or with fine or with both, the Special Court may, notwithstanding anything contained in sub-section (1) of section 260 or section 262 of the Code, try the offence in a summary way in accordance with the procedure prescribed in the Code and the provisions of sections 263 to 265 of the Code, shall, so far as may be, apply to such trial:

Provided that when in the course of a summary trial under this sub-section, it appears to the Special Court that the nature of the case is such that it is undesirable to try in a summary way, the Special Court shall recall any witnesses who may have been examined and proceed to rehear the case in the manner provided by the provisions of the Code for the trial of such offence and the said provisions shall apply to and in relation to a Special Court as they apply to and in relation to a Magistrate:

Provided further that in the case of any conviction in a summary trial under this sub-section, it shall be lawful for a Special Court to pass sentence of imprisonment for a term not exceeding two years.

(3) A Special Court may, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to an offence, tender a pardon to such person, on condition of his making a full

and true disclosure of the whole circumstances within his knowledge relative to the offence and to every other person concerned whether as principal or abettor in the commission, thereof, and any pardon so tendered shall, for the purposes of section 308 of the Code, be deemed to have been tendered under Section 307 thereof.

(4) Subject to the other provisions of this Act, a Special Court for the purpose of trial of any offence, have all the powers of a Court of Session and shall follow the procedure prescribed in the Code for the trial of warrant cases by the Magistrate.

(5) Subject to the other provisions of this Act, every case transferred to a Special Court under sub-section (3) of section 7 shall be dealt with as if such case had been transferred under section 406 of the Code to such Special Court.

**Protection of
witnesses.**

11. (1) Notwithstanding anything contained in the Code all proceedings before a Court trying an offence under this Act shall be conducted in camera:

Provided that where the Public Prosecutor so applies, any proceedings or part thereof may be held in open Court.

(2) Such Court may, on an application made by a witness in any proceedings before it or by the Public Prosecutor in relation to such witness or on its own motion, take such measures as it deems fit for keeping the identity and address of the witness secret.

(3) In particular and without prejudice to the generality of the provisions of sub-section (2), the measures which such Court may take under that sub-section may include: -

- (a) The avoiding of the mention of the names and addresses of the witnesses in its orders or judgment or in any records of the case accessible to public;
- (b) The issuing of any directions for securing that the identity and addresses of the witnesses are not disclosed.

(4) Any person who contravenes any direction issued under sub-section (3) shall be punishable with imprisonment for a term which may extend to one year and with fine which may extend to five thousand rupees.

12. The trial under this Act of any offence by Special Court shall have precedence over the trial of any other case against the accused in any other Court (not being a Special Court) and shall be concluded in preference to the trial of such other case and accordingly the trial of such other case shall remain in abeyance.

**Trial by
Special
Courts to
have
precedence.**

13. Where after taking cognizance of any offence, a Special Court is of opinion that the offence is not triable by it, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for trial of such offence to any Court having jurisdiction under the Code and the Court to which the case is transferred may proceed with the trial of the offence as if it has taken cognizance of the offence.

**Power to
transfer cases
to regular
Courts.**

14. (1) If a District Magistrate has reason to believe that any property, whether moveable or immovable, in possession of any person has been acquired by a goonda a result of the commission of an offence triable under this Act, he may order attachment of such property whether or not cognizance of such offence has been taken by any Court.

**Attachment
of property.**

(2) The provisions of the Code shall, *mutatis mutandis* apply to every such attachment.

(3) Notwithstanding the provisions of the Code, the District Magistrate may appoint an Administrator of any property attached under sub-section (1) and the Administrator shall have all the powers to administer such property in the best interest thereof.

(4) The District Magistrate may provide police help to the Administrator for proper and effective administration of such property.

15. (1) Where any property is attached under section 14, the claimant thereof may within three months from the date of knowledge of such attachment make a representation to the District Magistrate showing the circumstances in and the sources by which such property was acquired by him.

**Release of
property.**

(2) If the District Magistrate is satisfied about the genuineness of the claim made under sub-section (1), he shall forthwith release the property from attachment and thereupon such property shall be made over to the claimant.

**Inquiry into
character of
acquisition of
property by
Court.**

16. (1) Where no representation is made within the period specified in sub-section (1) of section 15 or the District Magistrate does not release the property under sub-section (2) of section 15, he shall refer the matter with his report to the Court having jurisdiction to try an offence under this Act.

(2) Where the District Magistrate has refused to attach any property under sub-section (1) of section 14 or has ordered for release of any property under sub-section (2) of section 15, the State Government or any person aggrieved by such refusal or release may make an application to the Court referred to in sub-section (1) for inquiry as to whether the property was acquired by or as a result of the commission of an offence triable under this Act. Such Court may, if it considers necessary or expedient in the interest of justice so to do, order attachment of such property.

(3) (a) On receipt of the reference under sub-section (1) or an application under sub-section (2), the Court shall fix a date for inquiry and give notice thereof to the person making the application under sub-section (2) or, as the case may be, to the person making the representation under section 15 and to the State Government and also to any other person whose interest appears to be involved in the case.

(b) On the date so fixed or any subsequent date to which the inquiry may be adjourned, the Court shall hear the parties, receive evidence produced by them, take such further evidence as it considers necessary, decide whether the property was acquired by a goonda as a result of the commission of an offence triable under this Act and shall pass such order under section 17 as may be just and necessary in the circumstances of the case.

V of 1908.

(4) For the purpose of inquiry under sub-section (3) the Court, shall have the power of a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely: -

- (a) Summoning and enforcing the attendance of any person and examining him on oath;
- (b) Requiring the discovery and production of documents;
- (c) Receiving evidence on affidavits;
- (d) Requisitioning any public record or copy thereof from any Court or office;
- (e) Issuing commission for examination of witness or documents;
- (f) Dismissing a reference for default or deciding it *ex-parte*;
- (g) Setting aside an order of dismissal for default or *ex-parte* decision.

1 of 1872.

(5) In any proceedings under this section, the burden of proving that the property in question or any part thereof was not acquired by a goonda a result of the commission of any offence triable under this Act, shall be on the person claiming the property, notwithstanding anything to the contrary contained in the Indian Evidence Act, 1872.

17. If upon such inquiry the Court finds that the property was not acquired by a goonda a result of the commission of any offence triable under this Act, it shall order for release of the property of the person from whose possession it was attached. In any other case the Court may make such order as it thinks fit for the disposal of the property by attachment, confiscation or delivery to any person entitled to the possession thereof, or otherwise.

Order after inquiry.

18. The provisions of Chapter XXIX of the Code shall, *mutatis mutandis*, apply to an appeal against any judgment on order of a Court passed under the provisions of this Act.

Appeal.

**Modified
application of
certain
provisions of
the Code.**

19. (1) Notwithstanding anything contained in the Code, every offence punishable under this Act or any rule made thereunder shall be deemed to be a cognizable offence within the meaning of clause (c) of section 2 of the Code and cognizable case as defined in that clause shall be construed accordingly.

(2) Section 167 of the Code shall apply in relation to case involving an offence punishable under this Act or any rule made thereunder subject to the modifications that the references in sub-section (2) –

(a) the reference to "fifteen days" and "sixty days" wherever they occur, shall be construed as reference to "thirty days" and "ninety days", respectively;

(b) after the existing proviso, the following proviso shall be inserted, namely: -

Provided further that if it is not possible to complete the investigation within the said period of ninety days, the Special Court shall extend the said period upto one hundred and eighty days on the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for detention of the accused beyond the said period of "ninety days".

(3) Sections 366, 367, 368 and 371 of the Code shall apply in relation to a case involving an offence triable by a Special Court, subject to the modification that the reference to "Court of Session" wherever occurring herein, shall be construed as reference to "Special Court".

(4) Notwithstanding anything contained in the Code, no person accused of an offence punishable under this Act or any rule made thereunder shall, if in custody, be released on bail or on his own bond unless:

(a) The Public Prosecutor has been given an opportunity to oppose the application for such release, and

(b) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

- (5) The limitations on granting of bail specified in sub-section (4) are in addition to the limitations under the Code.

20. Notwithstanding anything contained in the Code, -

Cognisance of, and investigation into, offence.

(a) no information about the commission of an offence under the provisions of this Act shall be recorded by a police officer without the prior approval of the police officer not below the rank of officer in charge of range of the concerned Districts or the Commissioner of Police, as the case may be;

(b) no investigation of an offence under the provisions of this Act shall be carried out by a police officer not below the rank of a Police Sub Inspector.

(2) No Special Court shall take cognisance of any offence under this Act without the previous sanction of the State Government.

21. The provisions of this Act or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other enactment.

Overriding effect.

22. Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a Court shall, within the meaning of the Indian Evidence Act, 1872, presume that such order was so made by that authority.

Presumption as to order.

23. No suit, prosecution or other legal proceeding shall lie against the State Government or any Officer or authority of the State Government for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

Protection of action taken in good faith.

24. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

Power to make rules.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or session immediately following. Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

25. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty:

Power to remove difficulties.

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

Gujarat State has achieved all round development and has emerged as a model for other states to emulate. However, the activities of goondas have the potential to disturb the public order and derail the development efforts of Government of Gujarat. Therefore, there is an urgent need to bring in legislative measures to deal with anti-social activities of goonda elements who exploit the law abiding citizens by indulging in violence, intimidation and coercion.

A separate legislation is proposed to deal with Goonda elements indulging in anti-social activities such as bootlegging, gambling, cow slaughter, drug trafficking, immoral trafficking, human trafficking, sale of spurious drugs, loan sharks, land grabbing, kidnapping, unlawful activities, illegal arms, etc.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, some of the important provisions of the Bill:-

Clause 1.- This clause provides for short title, extent and commencement of the Act.

Clause 2. - This clause defines certain terms used in the Bill.

Clause 3.- This clause provides for the penalty whenever a goonda is involved in or is making preparation for engaging in any anti-social activity or is found to be acting in any manner prejudicial to the maintenance of the public order.

Clause 4.- This clause provides for the special rules of evidence as specified therein, for the purposes of trial and punishment for offences under this Act or connected offences.

Clause 5.- This clause provides for the constitution of one or more Special Courts by the State Government if it considers necessary so to do so in the interest of speedy trial of offences under the Act.

Clause 6.- This clause provides for the place of sitting of a special court for any of its proceedings at any place, other than the ordinary place of its sitting.

Clause 7.- This clause provides for the jurisdiction of the Special Court.

Clause 8.- This clause provides for the power of Special Courts with respect to other offences with which the accused may, under any other law for the time being in force, be charged at the same trial.

Clause 9.- This clause provides for the appointment of the Public Prosecutor.

Clause 10.- This clause provides for the procedure to be followed and powers to be exercised by the Special Courts.

Clause 11.- This clause provides for the protection of the witnesses.

Clause 12.- This clause provides for that the trial under this Act of any offence by Special Court shall have precedence over the trial of any other case against the accused in any other Court (not being a Special Court).

Clause 13.- This clause provides for the power of Special Court to transfer cases to the regular courts.

Clauses 14 and 15.- This clause provides for the power of the District Magistrate to attach property in possession of any person has been acquired by a goonda a result of the commission of an offence triable under the Act and provides for release of such property after satisfying about the genuineness of the claim.

Clause 16.- This clause provides for inquiry into character of acquisition of property by court.

Clause 17.- This clause provides for the order for release of the property of the person from whose possession it was attached.

Clause 18.- This clause provides for the appeal against any judgment on an order of a Court passed under the provisions of the Act.

Clause 19.- This clause provides for the modified application of certain provisions of the Code of Criminal Procedure, 1973.

Clause 20.- This clause provides for the cognisance of, and inquiry into an offence committed under this Act.

Clause 21.- This clause provides that the provisions of the Act or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other enactment.

Clause 22.- This clause provides for the presumption as to order.

Clause 23.- This clause provides for the protection of action taken in good faith.

Clause 24.- This clause provides for the powers of State Government to make rules under this Act.

Clause 25.- This clause empowers the State Government to remove difficulties arising within a period of two years in giving effect to the provisions of the Act.

PRADEEPSINH JADEJA,

FINANCIAL MEMORANDUM

Clause 5 of the Bill seeks to empower the State Government, to constitute one or more Special Courts for the whole or any part of the State as also *clause 9* of the Bill provides for the appointment of the Public Prosecutor. Hence, the Bill, if enacted and brought into force would involve expenditure from the Consolidated Fund of the State. However, at present, it is not possible to ascertain the exact amount of grant to be made available for such purpose.

PRADEEPSINH JADEJA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects: -

Clause 5.- Sub-clause (1) of this clause empowers the State Government to constitute, by notification in the *Official Gazette*, one or more Special Courts for the whole or any part of the State.

Clause 24. – Sub-clause (1) of this clause empowers the State Government to make, by notification in the *Official Gazette*, rules for carrying out the purposes of the Act.

Clause 25. – Sub-clause (1) of this clause empowers the State Government to make an order published in *Official Gazette*, to remove any difficulty if arisen in giving effect to the provisions of this Act within a period of two years.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 16th September, 2020.

PRADEEPSINH JADEJA.

By order and in the name of the Governor of Gujarat,

Gandhinagar

Dated the 17th September, 2020

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



सत्यमेव जयते



The Gujarat Government Gazette

EXTRAORDINARY
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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT TENANCY AND AGRICULTURAL LANDS LAWS (AMENDMENT) BILL, 2020.

GUJARAT BILL NO. 23 OF 2020.

A BILL

*further to amend the Gujarat Tenancy and Agricultural Lands Act, 1948,
the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands
Ordinance, 1949 and the Gujarat Tenancy and Agricultural Lands
(Vidarbha Region and Kutch Area) Act, 1958.*

It is hereby enacted in the Seventy-first Year of the Republic of India:-

1. (1) This Act may be called the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2020.

Short title and
commencement.

(2) It shall be deemed to have come into force on the 21st August, 2020.

Bom. LXVII
of 1948.

2. In the Gujarat Tenancy and Agricultural Lands Act, 1948, (hereinafter referred to as “the Gujarat Tenancy and Agricultural Lands Act”), in section 63AA,-

Amendment of
section 63AA
of Bom.
LXVII of
1948.

(1) in sub-section (4A), for the existing proviso, the following proviso shall be substituted, namely:-

“Provided that such permission shall be granted by the Collector only upon the payment of -

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided however that,-

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide*

industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”;

(2) in sub-section (4B), in clause (vi), for the existing proviso, the following proviso shall be substituted, namely:-

“Provided that,-

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in Common General Development Control Regulations;
- (ii) sub-clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”.

“63AAA. (1) The sale of land for the purposes other than *bonafide* industrial purpose shall be permitted in certain cases which are declared by State Government from time to time :

Sale of land for the purposes other than industrial purposes.

Provided that-

(a) Nothing in section 63 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Gujarat Land Revenue Code, 1879 in favour of any person or institution for use of such land for other than bonafide industrial purpose like Agricultural University, Animal Husbandry University, Education, Medical Education and Health. The area of land for these purposes may be specified by the State Government by notification in the *Official Gazette* and the State Government may, by notification in the *Official Gazette*, declare such other purposes from time to time.

Bom. V of 1879.

(b) Where the area of land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Revenue Secretary, Gujarat State or such other officer as the State Government may by an order authorize in this behalf,

(c) Where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale shall be subject to the provisions of section 73AA of the Gujarat Land Revenue Code, 1879.

Bom. V of 1879.

(2) Nothing in section 63A shall apply to any sale made in pursuance of sub-section (1).

(3) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as “the purchaser”), he

shall within thirty days from the date of the purchase of the land for purpose shown in sub-section (1), send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.

(b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agriculture assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.

(c) On receipt of the notice of the purchase of land alongwith other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit and if he-

(i) is satisfied that such land has been validly purchased in accordance with the provisions of sub-section (1), shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed;

(ii) is not satisfied, shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of such land to the purchaser shall be deemed to be in contravention of section 63.

(d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such other officer as it may, by an order, authorise in this behalf.

(ii) The State Government or the authorized officer shall, after giving the appellant an opportunity of being heard, pass such order on the appeal as it or he deems fit.

- (4) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or directions of the Central Government or the State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for purpose shown in sub-section (1) before the land is put to use for such purpose.
- (b) The area of land which is desired to be sold, shall not be used for any other purpose other than intended to use.
- (c) The purchaser shall start providing of services or use of land within three years from the date of the permission is given for purchase of such land:

Provided that if the purchaser can not start providing services or use of land within three years in the circumstances as may be prescribed, he may make an application to the collector to extend such period and the Collector may, after making such inquiry as he deems fit, by an order extend such period by another two years:

Provided further that the Collector shall not extend such period for more than a period of one year at a time:

Provided also that such aggregate period of five years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.

- (d) In case where the purchaser fails to start providing of services or use of land within three years from the date of the permission is given for purchase of land, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of –

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that,-

- (i) such permission for sale of such land shall be granted only for the purpose specified in sub-section (1), however, if such purpose usages

not permissible under the Common General Development Control Regulations, in such cases, the permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;

- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for the purpose specified in sub-section (1) and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent. of the prevailing *jantri* value.”.

Sau. Ord. XLI
of 1949.

4. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 (hereinafter referred to as “the Saurashtra Ordinance”), in section 55,-

(1) in sub-section (3A), for the existing proviso, the following proviso shall be substituted, namely:-

“Provided that such permission shall be granted by the Collector only upon the payment of -

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a

Amendment of
section 55 to
Sau. Ord. XLI
of 1949.

period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);

(c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);

(d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided however that,-

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered

by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”;

(2) in sub-section (3B), -

(a) in clause (vi), for the existing proviso, the following proviso shall be substituted, namely:-

“Provided that,-

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law

Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”.

Insertion of new
section 55A to
Sau. Ord. XLI
of 1949.

5. In the Saurashtra Ordinance, after section 55, the following section shall be inserted, namely:-

Sale of land
for the
purposes
other than
industrial
purposes.

“55A. (1) The sale of land for the purposes other than *bonafide* industrial purpose shall be permitted in certain cases which are declared by State Government from time to time:

Provided that-

Bom. V
of 1879.

- (a) Nothing in section 54 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Gujarat Land Revenue Code, 1879 in favour of any person or institution for use of such land for other than bonafide industrial purpose like Agricultural University, Animal Husbandry University, Education, Medical Education and Health. The area of land for these purposes may be specified by the State Government by notification in the *Official Gazette* and the State Government may, by notification in the *Official Gazette*, declare such other purposes from time to time.
- (b) Where the area of land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this

sub-section shall obtain previous permission of the Revenue Secretary, Gujarat State or such other officer as the State Government may by an order authorize in this behalf,

- (c) Where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale of such land shall be subject to the provisions of section 73AA of the Gujarat Land Revenue Code, 1879.

**Bom. V
of 1879.**

- (2) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as “the purchaser”), he shall within thirty days from the date of the purchase of the land for purpose shown in sub-section (1) send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.

(b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agriculture assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.

(c) On receipt of the notice of the purchase for the land alongwith other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit and if he -

(i) is satisfied that such land has been validly purchased in accordance with the provisions of sub-section (1) shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed.

(ii) is not satisfied, shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of such land to the purchaser shall be deemed to be in contravention of section 54.

- (d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause(ii) of clause (c) may file an appeal to the State Government or such other officer as it may by an order authorise in this behalf.
- (ii) The State Government or the authorized officer shall after giving the appellant an opportunity of being heard pass such order on the appeal as it or he deems fit.
- (3) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or directions of the Central Government or the State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for purpose shown in sub-section (1) before the land is put to use for such purpose.
- (b) The area of land which is desired to be sold shall not be used for any other purpose other than intended to use.
- (c) The purchaser shall start providing of services or use of land within three years from the date of the permission is given for purchase of such land:

Provided that if the purchaser can not start providing services or use of land within three years in the circumstances as may be prescribed, he may make an application to the Collector to extend such period and the Collector may, after making such inquiry as he deems fit, by an order extend such period by another two years:

Provided further that the Collector shall not extend such period for more than a period of one year at a time:

Provided also that such aggregate period of five years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods

on payment of 20 per cent. of the prevailing *jantri* for every three years.

(d) In case where the purchaser fails to start providing of services or use of land within three years from the date of the permission is given for purchase of land, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of –

- (i) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (2) of this section;
- (ii) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (2) of this section;
- (iii) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (2) of this section;
- (iv) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that,-

- (a) such permission for sale of such land shall be granted only for the purpose specified in sub-section (1), however, if such purpose usages not permissible under the Common General Development Control Regulations, in such cases, the permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (b) clauses (a) to (d) shall not apply in the cases of the land which is purchased for the purpose specified in sub-section (1) and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value.”.

Amendment of
section 89A to
Bom. XCIX of
1958.

6. In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (hereinafter referred to as “the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act”), in section 89A, -

Bom. XCIX
of 1958.

(1) in sub-section (4A), for the existing proviso, the following proviso shall be substituted, namely:-

“Provided that such permission shall be granted by the Collector only upon the payment of -

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a

period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);

- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided however that,-

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for

bonafide industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

(iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”;

(2) in sub-section (4B), -

(a) in clause (vi), for the existing proviso, the following proviso shall be substituted, namely:-

Provided that,-

(i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;

- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”.

7. In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act after section 89A, the following section shall be inserted, namely:-

Insertion of new section 89AA to Bom. XCIX of 1958.

“89AA. (1) The sale of land for the purposes other than *bonafide* industrial purpose shall be permitted in certain cases which are declared by State Government from time to time:

Sale of land for the purposes other than industrial purposes.

Provided that-

**Bom. V of
1879.**

(a) Nothing in section 89 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Gujarat Land Revenue Code, 1879 in favour of any person or institution for use of such land for other than bonafide industrial purpose like Agricultural University, Animal Husbandry University, Education, Medical Education and Health. The area of land for these purposes may be specified by the State Government by notification in the *Official Gazette* and the State Government may, by notification in the *Official Gazette*, declare such other purposes from time to time.

(b) Where the area of land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Revenue Secretary, Gujarat State or such other officer as the State Government may by an order authorize in this behalf,

**Bom. V of
1879.**

(c) Where the land proposed to be sold is owned by a person to belonging to the Scheduled Tribe, the sale shall be subject to the provisions of section 73AA of the Gujarat Land Revenue Code, 1879.

(2) Nothing in section 90 shall apply to any sale made in pursuance of sub-section (1).

(3) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as “the purchaser”), he shall within thirty days from the date of the purchase of the land for purpose shown in sub-section (1) send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.

(b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agriculture assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.

(c) On receipt of the notice of the purchase of land alongwith other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit and if he-

(i) is satisfied that the land has been validly purchased in accordance with the provisions of sub-section (1), he shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed.

(ii) is not satisfied, shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of such land to the purchaser shall be deemed to be in contravention of section 89.

(d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such other officer as it may by an order authorise in this behalf.

(ii) The State Government or the authorized officer shall after giving the appellant an opportunity of being heard pass such order on the appeal as it or he deems fit.

(4) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or directions of the Central Government or the State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land

for purpose shown in sub-section (1) before the land is put to use for such purpose.

(b) The area of land which is desired to be sold shall not used for any other purpose other than intended to use.

(c) The purchaser shall start providing of services or use of land within three years from the date of the permission is given for purchase of land:

Provided that if the purchaser can not start providing services or use of land within three years in the circumstances as may be prescribed, he may make an application to the collector to extend such period and the Collector may, after making such inquiry as he deems fit, by an order extend such period by another two years:

Provided further that the Collector shall not extend such period for more than a period of one year at a time.

Provided also that such aggregate period of five years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.

(d) In case where the purchaser fails to start providing of services or use of land within three years from the date of the permission is given for purchase of land, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of –

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that,-

- (i) such permission for sale of such land shall be granted only for the purpose specified in sub-section (1), however, if such purpose usages not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as

per the zone declared in the Common General Development Control Regulations;

- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for the purpose specified in sub-section (1) and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and vice versa or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent. of the prevailing *jantri* value.”.

Repeal and saving.

8. (1) The Gujarat Tenancy and Agricultural Lands Laws (Amendment) Ordinance, 2020, is hereby repealed.

Guj. Ord. 9 of 2020.

(2) Notwithstanding such repeal, anything done or any action taken under the Gujarat Tenancy and Agricultural Lands Act, 1948, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 and the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 as amended by the said Ordinance, shall be deemed to have been done or taken under the said tenancy Acts as amended by the said Act.

STATEMENT OF OBJECTS AND REASONS

At present, there are three different tenancy laws in force in the State. In the Bombay area of the State of Gujarat, the Gujarat Tenancy and Agricultural lands Act, 1948, is in force; in the Kutch area of the State of Gujarat, the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 is in force; whereas in the Saurashtra area of the State of Gujarat, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 is in force.

With the industrial advancement taking place at a rapid rate in the State of Gujarat, a need has arisen to allow certain purchases being made for bonafide industrial use in the State.

The land which is purchased for bonafide industrial use and instead of using, such land is required to sale, at that time such permission for sale of such land shall be granted only for the bonafide industrial purpose, and in case the industrial purpose usage is not permissible under Common General Development Control Regulations, in such cases, the permission shall be granted only for the purpose of use of such land as per the zone declared in Common General Development Control Regulations.

It is also proposed that where the land is sold for *bonafide* industrial purpose, it can be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and vice versa or into limited liability partnership, change in partners, but in such cases, permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

It is also proposed that in case of the land which is purchased for bonafide industrial purpose and which needs to be transferred under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority, in such cases the purchaser shall apply

for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value; if the person fails to obtain such permission within a period of 60 days, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.

A new section in the tenancy laws applicable in the State of Gujarat is also proposed to be inserted for purchase of land in certain cases like Agricultural University, Animal Husbandry University, Education, Medical Education and Health and also with some conditions as mentioned in the said new section.

As the Legislative Assembly of the State of Gujarat was not in session at that time, the Gujarat Tenancy and Agricultural Land Laws (Amendment) Ordinance, 2020 (Guj. Ord. 9 of 2020) was promulgated to achieve the aforesaid objects.

This Bill seeks to replace the said Gujarat Ordinance No. 9 of 2020 by an Act of the State Legislature.

KAUSHIK PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects:-

- Clause 3.-** (i) Clause (a) of the proviso to sub-section (1) of new section 63AAA in the Gujarat Tenancy and Agricultural Lands Act, 1948 proposed to be inserted by this clause empowers the State Government to specify, by notification in the *Official Gazette*, the area for land for the purposes as specified therein. It also empowers the State Government to declare, by notification in the *Official Gazette*, the purposes other than the purposes as specified in therein.
- (ii) Clause (a) of sub-section (3) of new section 63AAA in the Gujarat Tenancy and Agricultural Lands Act, 1948 proposed to be inserted by this clause empowers the State Government to prescribe by rules, the form in which and the particulars alongwith which the purchaser shall send a notice of purchased land to the Collector.

- (iii) Sub-clause (i) of clause (c) of of sub-section (3) of new section 63AAA in the Gujarat Tenancy and Agricultural Lands Act, 1948 proposed to be inserted by this clause empowers the State Government to prescribe by rules, the form in which and the time within which the Collector shall issue a certificate to the purchaser to the effect that the land has been validly purchased.
- (iv) Proviso to clause (c) of sub-section (4) of new section 63AAA in the Gujarat Tenancy and Agricultural Lands Act, 1948 proposed to be inserted by this clause empowers the State Government to prescribe by rules, the circumstances in which the period of three years for providing of services or use of land by the purchaser, may be extended by two years by the Collector by an order in writing, on an application made by such purchaser in that behalf.

Clause 5.- (i) Clause (a) of the proviso to sub-section (1) of new section 55A in the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 proposed to be inserted by this clause empowers the State Government to determine, by notification in the *Official Gazette*, the area for land for the purposes as specified therein. It also empowers the State Government to declare, by notification in the *Official Gazette*, the purposes other than the purposes as specified in therein.

- (ii) Clause (a) of sub-section (2) of new section 55A in the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 proposed to be inserted by this clause empowers the State Government to prescribe by rules, the form in which and the particulars alongwith which the purchaser shall send a notice of purchase to the Collector.
- (iii) Sub-clause (i) of clause (c) of of sub-section (2) of new section 55A in the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 proposed to be inserted by this clause empowers the State Government to prescribe by rules, the form in which and the time within which the Collector shall issue a certificate to the purchaser to the effect that the land has been validly purchased.
- (iv) Proviso to clause (c) of sub-section (3) of new section 55A in the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 proposed to be inserted by this clause empowers the State Government to prescribe by rules, the circumstances in which the period of three years for providing of services or use of land by the purchaser, may be extended by two years by the Collector by an order in writing, on an application made by such purchaser in that behalf.

- Clause 7.-** (i) Clause (a) of the proviso to sub-section (1) of new section 89AA in the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 proposed to be inserted by this clause empowers the State Government to determine, by notification in the *Official Gazette*, the area for land for the purposes as specified therein. It also empowers the State Government to declare, by notification in the *Official Gazette*, the purposes other than the purposes as specified in therein.
- (ii) Clause (a) of sub-section (3) of new section 89AA in the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 proposed to be inserted by this clause empowers the State Government to prescribe by rules, the form in which and the particulars alongwith which the purchaser shall send a notice of purchase to the Collector.
- (iii) Sub-clause (i) of clause (c) of sub-section (3) of new section 89AA in the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 proposed to be inserted by this clause empowers the State Government to prescribe by rules, the form in which and the time within which the Collector shall issue a certificate to the purchaser to the effect that the land has been validly purchased.
- (iv) First proviso to clause (c) of sub-section (4) of new section 89AA in the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 proposed to be inserted by this clause empowers the State Government to prescribe by rules, the circumstances in which the period of three years for providing of services or use of land by the purchaser, may be extended by two years by the Collector by an order in writing, on an application made by such purchaser in that behalf.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 17th September, 2020.

KAUSHIK PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,

Dated the 17th September, 2020.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT MOLASSES (CONTROL) (REPEAL) BILL, 2020.

GUJARAT BILL NO. 24 OF 2020.

A BILL

to repeal the Gujarat Molasses (Control) Act, 1956 in its application to the State of Gujarat.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Molasses (Control) (Repeal) Act, 2020. **Short title.**

Bom. 2. The Gujarat Molasses (Control) Act, 1956 in its application to the **Repeal.**
XXXVIII of State of Gujarat is hereby repealed.
1956.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Molasses (Control) Act, 1956 was enacted with a view to providing regulation and control of the supply of molasses for the purpose of development of certain industries by securing their equitable distribution and availability at fair prices. The said Act was applicable in the State of Bombay prior to 1st May, 1960 and it was adopted by and extended to the State of Gujarat on its formation on 1st May, 1960. Since the prohibition policy is implemented in the State of Gujarat, the permit, import and export of the molasses have been regularized under the Bombay Molasses Rules, 1955 which were framed under the powers conferred by the Gujarat Prohibition Act, 1949. In these circumstances, the said Act of 1956 has not been implemented ever since its enforcement.

As the said Act of 1956 has become obsolete, it does not require to be kept on the Statute Book. It is, therefore, considered necessary to repeal the aforesaid Act of 1956.

This Bill seeks to achieve the aforesaid object.

Dated the 18th September, 2020.

SAURABH PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 18th September, 2020.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE CHILD AND ADOLESCENT LABOUR (PROHIBITION AND REGULATION) (GUJARAT AMENDMENT) BILL, 2020.

GUJARAT BILL NO. 25 OF 2020.

A BILL

further to amend the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 in its application to the State of Gujarat.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Child and Adolescent Labour (Prohibition and Regulation) (Gujarat Amendment) Act, 2020.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

- Amendment of section 14 of 61 of 1986.** **2.** In the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, in its application to the State of Gujarat (hereinafter referred to as “the principal Act”), in section 14, -
- (i) in sub-section (1), for the words “fifty thousand rupees”, the words “one lakh rupees” shall be substituted;
- (ii) in sub-section (1A), for the words “fifty thousand rupees”, the words “one lakh rupees” shall be substituted.
- Amendment of section 14D of 61 of 1986.** **3.** In the principal Act, in section 14D, in sub-section (1), for the words “District Magistrate”, the words “District Magistrate, Municipal Commissioner, Director of Labour or, as the case may be, the Regional Commissioner of Municipalities” shall be substituted.
- Amendment of section 17A of 61 of 1986.** **4.** In the principal Act, in section 17A, -
- (i) for the words “District Magistrate”, the words “District Magistrate, Municipal Commissioner, Director of Labour or, as the case may be, the Regional Commissioner of Municipalities” shall be substituted;
- (ii) in the marginal note, for the word “District Magistrate”, the words “District Magistrate, Municipal Commissioner, Director of Labour or Regional Commissioner of Municipalities” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 provides for prohibition of the engagement of children in certain employments and for regulating the conditions of work of children in certain other employments.

Existing section 3 of the said Central Act was amended vide the Child Labour (Prohibition and Regulation) Amendment Act, 2016 (35 of 2016) with a view to prohibiting employment of children in all occupations and processes to facilitate their enrolment in schools in view of the provisions of the Right of Children to Free and Compulsory Education Act, 2009 as also section 3A was inserted vide the said Central Amending Act of 2016 to provide for prohibition of employment of adolescents (persons who have completed fourteenth year of age but have not completed eighteenth year) in hazardous occupations and processes and to regulate the conditions of service of adolescents. Sub-section (1) and (1A) of existing section 14 respectively provides for the penalty for contravention of the provisions of said sections 3 and 3A. It is considered necessary to enhance the amount of fine from fifty thousand rupees to one lakh rupees. *Clause 2* of the Bill provides for the same.

Existing section 14D empowers the District Magistrate to compound the offences committed for the first time, under sub-section (3) of section 14 of the said Central Act. Now, it is considered necessary also to empower the Municipal Commissioner or Director of Labour or Regional Commissioner of Municipalities for the said purpose. *Clause 3* of the Bill provides for the same.

Existing section 17A empowers the State Government to confer such powers and impose such duties on a District Magistrate as may be necessary to ensure that the provisions of the said central Act are properly carried out and to empower the District Magistrate to specify the officer subordinate to him who shall exercise all or any of the powers and perform all or any of the duties so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer in accordance with the rules made by the State Government. The State Government considers it necessary also to empower the Municipal Commissioner or Director of Labour or Regional Commissioner of Municipalities for the purposes as mentioned in the said section 17A. *Clause 4* of the Bill provides for the same.

This Bill seeks to amend the said Central Act to achieve the aforesaid objects.

DILIPKUMAR THAKOR ,

MEMORENDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative power in the following respect:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government, by notification in the *Official Gazette*, to appoint the date on which the Act shall come into force.

The delegation of power as aforesaid is necessary and is in normal character.

Dated the 18th September, 2020.

DILIPKUMAR THAKOR.

By order and in the name of the Governor of Gujarat,

Gandhinagar,

Dated the 19th September, 2020.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT UNIVERSITIES LAWS (AMENDMENT) BILL, 2020.

GUJARAT BILL NO. 26 OF 2020.

A BILL

*further to amend the Gujarat Agricultural Universities Act, 2004 and the
Kamdheni University Act, 2009.*

It is hereby enacted in the Seventy-first Year of the Republic of India
as follows:-

1. (1) This Act may be called the Gujarat Universities Laws
(Amendment) Act, 2020.

**Short title and
Commencement.**

(2) It shall come into force on such date, as the State Government may, by
notification in the *Official Gazette*, appoint.

| | | |
|--|--|---|
| Amendment of section 2 of Guj. 5 of 2004. | <p>2. In the Gujarat Agricultural Universities Act, 2004, (hereinafter referred to as “the Gujarat Agricultural Universities Act”), in section 2, in clause (2), the words “animal husbandry including veterinary and dairy science, fisheries,” shall be deleted.</p> | Guj. 5 of 2004. |
| Insertion of new sections 67 to 69 in Guj. 5 of 2004. | <p>3. In the Gujarat Agricultural Universities Act, after section 66, the following sections shall be added, namely:-</p> | |
| Colleges and Polytechnics of the State Agricultural Universities. | <p>“67. Notwithstanding anything contained in clause (c) of sub-section (1) of section 66, the constituent college as specified in column (2) of Schedule II shall become the constituent college of the University mentioned against it in column (3) of the said Schedule.</p> | |
| Transfer of colleges, Polytechnics and Research and Extension centres to the Kamdhenu University. | <p>68. On and from the commencement of the Gujarat Universities Laws (Amendment) Act, 2020, the Colleges and Polytechnics as specified in Schedule III and Research and Extension centres relating to Animal Husbandry, Fisheries and Dairy Science administered by the State Agricultural Universities on the commencement of the Gujarat Universities Laws (Amendment) Act, 2020, shall stand transferred to the Kamdhenu University.</p> | Guj. of 2020. |
| Validation of certain notifications, orders, etc. | <p>69. Any notification or order issued under this Act and the rules made thereunder, immediately before the commencement of the Gujarat Universities Laws (Amendment) Act, 2020 shall be deemed to be validly issued and made under the relevant corresponding provisions of this Act as amended by the said amending Act.”.</p> | Guj. of 2020. |
| | <p>4. In the Gujarat Agricultural Universities Act, for Schedule II, the following Schedules shall be substituted, namely:-</p> | Substitution of Schedule II to Guj. 5 of 2004. |

“SCHEDULE II*(See section 67)*

| Sr. No. | College | University |
|----------------|--|--------------------------------------|
| (1) | (2) | (3) |
| 1 | Bansilal Amrutlal College of Agriculture, Anand. | The Anand Agricultural University |
| 2 | College of Veterinary Science and Animal Husbandry, Anand. | The Anand Agricultural University |
| 3 | Sheth Mansukhlal Chhaganlal College of Dairy Science, Anand. | The Anand Agricultural University |
| 4 | College of Agricultural Engineering & Technology, Godhra. | The Anand Agricultural University |
| 5 | College of Food Processing Technology & Bio-Energy, Anand. | The Anand Agricultural University |
| 6 | College of Agricultural Information Technology, Anand. | The Anand Agricultural University |
| 7 | College of Agriculture, Vaso. | The Anand Agricultural University |
| 8 | College of Agriculture, Jabugam. | The Anand Agricultural University |
| 9 | College of Horticulture, Anand. | The Anand Agricultural University |
| 10 | International Agribusiness Management Institute, Anand. | The Anand Agricultural University |
| 11 | Sheth M.C. Polytechnic in Agriculture, Anand. | The Anand Agricultural University |
| 12 | Polytechnic in Agriculture, Vaso. | The Anand Agricultural University |
| 13 | Sheth D.M. Polytechnic in Horticulture, Vadodara. | The Anand Agricultural University |
| 14 | Polytechnic in Agricultural Engineering, Dahod. | The Anand Agricultural University |
| 15 | Polytechnic in Food Science and Home Economics, Anand. | The Anand Agricultural University |
| 16 | College of Agriculture, Junagadh. | The Junagadh Agricultural University |
| 17 | College of Agricultural Engineering & Technology, Junagadh. | The Junagadh Agricultural University |
| 18 | College of Fisheries Science, Veraval. | The Junagadh Agricultural University |
| 19 | College of Veterinary Science & A.H., Junagadh. | The Junagadh Agricultural University |
| 20 | College of Agriculture, Motabhandariya, Amreli. | The Junagadh Agricultural University |
| 21 | College of Agriculture, Khapat, Porbandar. | The Junagadh Agricultural University |
| 22 | College of Horticulture, Junagadh. | The Junagadh Agricultural University |
| 23 | Post Graduate Institute of Agri-Business Management, Junagadh. | The Junagadh Agricultural University |

| Sr. No. | College | University |
|--------------------|--|--------------------------------------|
| (1) | (2) | (3) |
| 24 | Polytechnic in Agriculture, Dhari, Amreli. | The Junagadh Agricultural University |
| 25 | Polytechnic in Horticulture, Junagadh. | The Junagadh Agricultural University |
| 26 | Polytechnic in Agricultural Engineering, Targhadiya, Rajkot. | The Junagadh Agricultural University |
| 27 | Polytechnic in Agro Processing, Junagadh. | Junagadh Agricultural University |
| 28 | Polytechnic in Agriculture, Sidsar (At Present-Junagadh). | The Junagadh Agricultural University |
| 29 | Polytechnic in Animal Husbandry, Junagadh. | The Junagadh Agricultural University |
| 30 | Polytechnic in Agriculture, Halvad. | The Junagadh Agricultural University |
| 31 | Shri Navinchandra Mafatlal College of Agriculture, Navsari. | The Navsari Agricultural University |
| 32 | ASPEE College of Horticulture and Forestry, Navsari. | The Navsari Agricultural University |
| 33 | College of Veterinary Science & A.H., Navsari. | The Navsari Agricultural University |
| 34 | College of Agriculture, Bharuch. | The Navsari Agricultural University |
| 35 | College of Agriculture, Waghai. | The Navsari Agricultural University |
| 36 | College of Forestry, Navsari. | The Navsari Agricultural University |
| 37 | College of Fisheries Science, Navsari. | The Navsari Agricultural University |
| 38 | College of Agricultural Engineering and Technology, Dediapada. | The Navsari Agricultural University |
| 39 | ASPEE Shakilam Agri- Biotechnology Institute, Surat. | The Navsari Agricultural University |
| 40 | ASPEE Agribusiness Management Institute, Navsari. | The Navsari Agricultural University |
| 41 | Polytechnic in Agriculture, Maktampur, Dist. Bharuch. | The Navsari Agricultural University |
| 42 | Polytechnic in Agriculture, Vyara, Dist. Tapi. | The Navsari Agricultural University |
| 43 | Polytechnic in Agriculture, Waghai, Dist. Dang. | The Navsari Agricultural University |
| 44 | Polytechnic in Horticulture, Navsari. | The Navsari Agricultural University |
| 45 | Polytechnic in Horticulture, Paria, Dist. Valsad. | The Navsari Agricultural University |
| 46 | Polytechnic in Agricultural Engineering, Dediapada, Dist. Narmada. | The Navsari Agricultural University |
| 47 | Polytechnic in Animal Husbandry, Navsari. | The Navsari Agricultural University |

| Sr. No. | College | University |
|--------------------|---|---|
| (1) | (2) | (3) |
| 48 | Chimanbhai Patel College of Agriculture, Sardarkrushinagar. | The Sardarkrushinagar Dantiwada Agricultural University |
| 49 | College of Veterinary Science and Animal Husbandry, Sardarkrushinagar. | The Sardarkrushinagar Dantiwada Agricultural University |
| 50 | ASPEE College of Home Science and Nutrition, Sardarkrushinagar. | The Sardarkrushinagar Dantiwada Agricultural University |
| 51 | Shri G.N.Patel Dairy Science and Food Technology College, Sardarkrushinagar. | The Sardarkrushinagar Dantiwada Agricultural University |
| 52 | College of Food Technology, Sardarkrushinagar. | The Sardarkrushinagar Dantiwada Agricultural University |
| 53 | College of Renewable Energy and Environmental Engineering, Sardarkrushinagar. | The Sardarkrushinagar Dantiwada Agricultural University |
| 54 | College of Agriculture, Tharad. | The Sardarkrushinagar Dantiwada Agricultural University |
| 55 | College of Horticulture, Jagudan. | The Sardarkrushinagar Dantiwada Agricultural University |
| 56 | College of Basic Science and Humanities, Sardarkrushinagar. | The Sardarkrushinagar Dantiwada Agricultural University |
| 57 | College of Agribusiness Management, Sardarkrushinagar. | The Sardarkrushinagar Dantiwada Agricultural University |
| 58 | Polytechnic in Agriculture, Deesa, Dist. Banaskantha. | The Sardarkrushinagar Dantiwada Agricultural University |
| 59 | Polytechnic in Agriculture, Khedbrahma, Dist. Sabarkantha. | The Sardarkrushinagar Dantiwada Agricultural University |
| 60 | Polytechnic in Agriculture, Amirgadh, Dist. Banaskantha. | The Sardarkrushinagar Dantiwada Agricultural University |
| 61 | Sheth. B.R. Polytechnic in Horticulture, Jagudan, Dist. Mehsana. | The Sardarkrushinagar Dantiwada Agricultural University |
| 62 | Polytechnic in Animal Husbandry, Sardarkrushinagar. | The Sardarkrushinagar Dantiwada Agricultural University |

SCHEDULE III**COLLEGES TRANSFERED TO KAMDHENU UNIVERSITY***(See section 67)*

| Sr. No. | College | University |
|--------------------|---|---|
| (1) | (2) | (3) |
| 1 | Sheth Mansukhlal Chhaganlal College of Dairy Science, Anand. | The Anand Agricultural University |
| 2 | College of Veterinary Science and Animal Husbandry, Anand. | The Anand Agricultural University |
| 3 | College of Veterinary Science and Animal Husbandry, Junagadh. | The Junagadh Agricultural University |
| 4 | College of Fisheries Science, Veraval. | The Junagadh Agricultural University |
| 5 | College of Veterinary Science and Animal Husbandry, Navsari. | The Navsari Agricultural University |
| 6 | College of Fisheries Science, Navsari. | The Navsari Agricultural University |
| 7 | Shri G.N. Patel Dairy Science and Food Technology College, Sardarkrushinagar. | The Sardarkrushinagar Dantiwada Agricultural University |
| 8 | College of Veterinary Science and Animal Husbandry Sardarkrushinagar. | The Sardarkrushinagar Dantiwada Agricultural University |
| 9 | Polytechnic in Animal Husbandry, Junagadh. | The Junagadh Agricultural University |
| 10 | Polytechnic in Animal Husbandry, Navsari. | The Navsari Agricultural University |
| 11 | Polytechnic in Animal Husbandry, Sardarkrushinagar. | The Sardarkrushinagar Dantiwada Agricultural University |

**Amendment
of section 2
of Guj. 9 of
2009.**

5. In the Kamdhenu University Act, 2009 (hereinafter referred to as “the Kamdhenu University Act”), in section 2, -

**Guj. 9 of
2009.**

- (i) for clause (7), the following clause shall be substituted, namely:-
“(7) “college” means a College or an Institution established or maintained by or affiliated to the University providing courses of study or training or providing for conduct of research or providing for extension education in veterinary and animal sciences from any dairy science, fisheries and allied sciences, leading to a degree, diploma or other academic distinction of the University including a College or an institution established or maintained by or affiliated to or recognised by the Agricultural Universities existing on the date of the coming into force of this Act;”;
- (ii) in clause (9), the words “Deans of Colleges and” shall be deleted;
- (iii) in clause (20), for the words “other than”, the words “including” shall be substituted.

**Substitution
of section 4
of Guj. 9 of
2009.**

6. In the Kamdhenu University Act, for section 4, the following section shall be substituted, namely:-

**Headquarters
of University.** “4. The headquarters of the University shall be at Gandhinagar as notified by notification No. GHK-72-2014-KPY-2012-VIP- 392008-P-1 dated 26 August, 2014 by the State Government.”.

**Amendment
of section 5
of Guj. 9 of
2009.**

7. In the Kamdhenu University Act, in section 5, sub-section (6) shall be deleted.

**Amendment
of section 10
of Guj. 9 of
2009.**

8. In the Kamdhenu University Act, in section 10, after clause (vi), the following clauses shall be added, namely:-

- “(vii) University Librarian,
- (viii) such other officer as may be prescribed by the Statutes.”.

- 9.** In the Kamdhenu University Act, in section 21,- **Amendment of section 21 of Guj. 9 of 2009.**
- (i) in sub-section (2), under the heading “Class I- *Ex-Officio* Members”, after clause (ix), the following clauses shall be added, namely:-
- “(x) One member nominated by the Vice-Chancellor on rotation basis in prescribed manner from amongst the Deans of faculties;
- (xi) One director to be nominated by the Vice-Chancellor from amongst the Director of Research and Dean PG Studies or the Director of Extension Education.”;
- (ii) for sub-section (4), the following sub-section shall be substituted, namely:-
- “(4) The nominated members of the Board shall be entitled to receive sitting charge from the University including such daily and traveling allowances as may be prescribed.”.
- 10.** In the Kamdhenu University Act, in section 23, in sub-section (1), - **Amendment of section 23 of Guj. 9 of 2009.**
- (i) in clause (iii), the words “of Academic Committee” shall be deleted;
- (ii) clause (v) shall be deleted.
- 11.** In the Kamdhenu University Act, in section 25, in sub-section (1), clause (vi) shall be deleted. **Amendment of section 25 of Guj. 9 of 2009.**
- 12.** In the Kamdhenu University Act, in section 27, in sub-section (1), clause (vi) shall be deleted. **Amendment of section 27 of Guj. 9 of 2009.**
- 13.** In the Kamdhenu University Act, in section 36, - **Amendment of section 36 of Guj. 9 of 2009.**
- (i) in sub-section (4), for the word “Chancellor”, the words “State Government” shall be substituted;
- (ii) in sub-section (5), for the word “Chancellor”, the words “State Government” shall be substituted.

**Amendment
of section 39
of Guj. 9 of
2009.**

- 14.** In the Kamdhenu University Act, in section 39,
- (i) for the words “Foundation Fund”, wherever they occur, the words “Foundation Fund, Development Fund and General Fund” shall be substituted;
 - (ii) in the marginal note, for the words “Foundation Fund of University”, the words “Foundation Fund, Development Fund and General Fund of University” shall be substituted

**Insertion of
new sections
67 to 69 and
Schedule I to
the Guj. 9 of
2009.**

- 15.** In the Kamdhenu University Act, after section 66, the following sections and Schedules shall be added, namely:-

**Transfer of
certain
colleges and
institutions to
the University.**

“67. (1) Notwithstanding anything contained in any other Act relating to the establishment of a University in the State or in the Statutes, Regulations, rules and Orders made there under, the colleges, research stations, centers and other units relating to Animal Husbandry, Fisheries and Dairy Science, constituent or affiliated to State Agricultural Universities specified in Schedule-I appended to this Act shall, from such date as the State Government may, by notification in the *Official Gazette*, specify, (hereinafter in this section referred to as "the specified date"), be de-affiliated from the State Agricultural Universities to which they may have been affiliated on the day immediately preceding such date and shall be transferred to and be maintained by the University as its constituent colleges, research stations, centers or units, etc.

(2) The control and management of the colleges, research stations, centers or other units specified in sub-section (1) shall as from the specified date stand transferred to the University and all properties and assets and liabilities of the State Government in relation thereto shall stand transferred to and vest in, or devolve upon, the University:

Provided that the educational staff and students of the State Agricultural Universities shall be allowed to use the research centres for necessary experimental work as per the norms of ICAR for Animal Husbandry, Fisheries and dairy related subjects which have been included in their educational curriculum:

Provided further that after coming into force of the Gujarat Universities Laws (Amendment) Act, 2020, the common facilities such as hostels, sports ground, transportation, guest house administered by the State Agricultural Universities on the commencement of the Gujarat Universities Laws (Amendment) Act, 2020, shall be allowed to be used by the staff and students of the University as also by the official visitor, till such facilities are made available by the University to its staff and students.

(3) Where before the specified date, the State Agricultural Universities / the State Government have made any contract in relation to any of the said colleges, research stations, centers or other units, such contract shall be deemed to have been made by the University, and any reference therein to the State Agricultural Universities / the State Government shall be construed as a reference to the University.

(4) The unexpended balance in the general fund and the foundation fund, corpus fund whether deposited in a bank or invested in securities belonging to the State Agricultural Universities immediately before the commencement of the Gujarat Universities Laws (Amendment) Act, 2020, shall subject to all charges and liabilities affecting the same, vest in the University in such proportion and in such manner as the State Government may direct.

(5) Research and educational institutions under the control and management of the Departments of the State Government shall, as from such date as the State Government may by order specify, be transferred to the University, and there upon all properties and assets, and liabilities of the State Government in relation to such institutions shall transferred to vest in or devolve upon, the University.

(6) Notwithstanding anything contained in any other Act, the institutions related to veterinary, animal husbandry, dairy and fisheries, which were under the control and management of the State Agricultural Universities / the State Government immediately before the date specified under sub-section (1), or as the case may be, in sub-section (5), shall not, save with the previous sanction of the State Government, be discontinued by the University nor shall the educational,

research or extension education activities conducted in or by the said college or institutions immediately before the said date be stopped or reduced in scope or extent or transferred without the prior permission of the Board of the University.

(7) Notwithstanding anything contained in any other Act relating to the establishment of any University in the State, no such University shall as from the specified date be competent to award any degrees, diplomas certificates or other academic distinctions in veterinary and animal husbandry, dairy, poultry, fishery, thereof by whatever name called.

University to
absorb staff of
existing
colleges,
institutions
and State
Agricultural
Universities
transferred to
it.

68. (1) Notwithstanding anything contained in section 67, on and from the commencement of the Gujarat Universities Laws (Amendment) Act, 2020, the existing officers, teachers, administrative staff and other technical staff, having qualification in Veterinary and Animal Science, Dairy, Fisheries and allied sciences, serving in the State Agricultural Universities or colleges or institutions or research units shall get transferred to the University. Other non-technical staff connected therewith, as the State Government may, from time to time, having regard to the necessity therefore, direct shall be taken over and employed by the University, and every person taken over and employed shall be subject to the provisions of this Act and the Statutes and Regulations made there under:

Guj. of
2020.

Provided that during the period of such employment all matters relating to the pay, leave, retirement, allowances, pension, provident fund and other conditions of services of the members of such staff shall be regulated by Gujarat Civil Service Rules, 2002 or such other rules as may, from time to time, be made by the State Government:

Provided further that any such member shall have a right of appeal to the State Government against any order of reduction in rank, dismissal or removal from service or any other punishment and the decision of the State Government in such appeal shall be final and shall not be called in question in any civil court:

(2) Subject to the provisions of sub-sections (3) and (4), all the officers and employees taken over and employed by the University under sub-section (1) shall be entitled for counting of their past services, and the period of their service under the State Agricultural Universities or Gujarat Agricultural University or the State Government shall be counted for their increments, pension and other matters relating to their service.

(3) Notwithstanding anything contained in sub-section (1), every officer or employee of the State Agricultural Universities taken over by the University shall, within period of two months, from the date he is so taken over (or such further time, if any, as the State Government may decide), give notice in writing to the State Agricultural Universities,-

- (a) That he should be permitted to retire and thereupon he shall be permitted to retire from the service of State Agricultural Universities and shall be entitled to such terminal benefits such as compensation, pension or gratuity, or the like, as may be prescribed by the State Agricultural Universities;
- (b) That he should be permanently absorbed in the service of the University and there upon the University shall absorb him permanently in its service and any service rendered by him under the State Agricultural Universities or Gujarat Agricultural University or the State Government shall be deemed to be service under the University, and he shall be entitled to receive from the University, such terms and conditions of service in respect of remuneration, leave and pension, and such rights as in respects of disciplinary matters or rights as similar thereto as changed circumstances may permit as are not less favorable than those to which he was entitled to immediately before he was taken over by the University.

(4) If any officer or employee of the State Agricultural Universities fails to give notice under sub-section (3) within the time referred to therein, he shall be deemed to have opted to be permanently absorbed in the service of the University under clause (b) of sub-section (3).

**Special
provisions for
students.**

69. Notwithstanding anything contained in this Act or the statutes or the regulations made there under, any student of a college situated within the University jurisdiction who, immediately before the commencement of the Gujarat Universities Laws (Amendment) Act, 2020, was studying or was eligible for any examination of the State Agricultural Universities, shall be permitted to complete his course in preparation thereof, and the University shall provide for such period and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with course of studies of the State Agricultural Universities and for the conferment of the corresponding degree, diploma or other academic distinction of the University upon the qualified student of the result of such examination.

**Guj. of
2020.**

SCHEDULE-I

(See Section 67)

PART –I

| Sr.No. | Colleges | University |
|---------------|--|--|
| 1. | Sheth Manshukhlal Chaganlal College of Dairy Science, Anand | Anand Agricultural University |
| 2. | College of Veterinary Science and Animal Husbandry, Anand | Anand Agricultural University |
| 3. | College of Veterinary Science and Animal Husbandry, Junagadh | Junagadh Agricultural University |
| 4. | College of Fisheries Science, Veraval | Junagadh Agricultural University |
| 5. | College of Veterinary Science and Animal Husbandry Navsari | Navsari Agricultural University |
| 6. | College of Fisheries Science, Navsari | Navsari Agricultural University |
| 7. | Shri G. N. Patel Dairy Science and Food Technology College, S.K. Nagar | Sardarkrushinagar, Dantiwada Agricultural University |
| 8. | College of Veterinary Science and Animal Husbandry, Sardarkrushinagar | Sardarkrushinagar, Dantiwada Agricultural University |
| 9. | College of Dairy Science, Amreli | Kamdhenu University |
| 10. | Post-Graduate Institute of Veterinary education and Research, Rajpur (Nava), Himmatnagar | Kamdhenu University |
| 11. | Post Graduate Institute of Fisheries education and Research, Rajpur (Nava), Himmatnagar | Kamdhenu University |
| 12. | Post-Graduate Institute of Dairy education and Research, Shedubhar Ta.Dist.Amreli | Kamdhenu University |

PART-II**RESEARCH STATIONS**

| Sr.No. | Colleges | University |
|---------------|--|--|
| 1. | Livestock Research station, Anand. | Anand Agricultural University |
| 2. | Livestock Research station, Sardarkrushinagar | Sardarkrushinagar, Dantiwada Agricultural University |
| 3. | Livestock Research station, Navsari. | Navsari Agricultural University |
| 4. | Cattle Breeding Farm, Junagadh with Johnpur Farm. | Junagadh Agricultural University |
| 5. | All instructional and animal fodder farms attached to Veterinary Colleges. | State Agricultural Universities |
| 6. | Reproductive Biology Reserach Unit (RBRU), Anand. | Anand Agricultural University |
| 7. | Holstein Friesian Farm, Anand | Anand Agricultural University |
| 8. | Animal Nutrition Research Station, Anand. | Anand Agricultural University |
| 9. | Poultry Complex with Poultry Training Centre, Anand | Anand Agricultural University |
| 10. | Fisheries Research Station, Okha. | Junagadh Agricultural University |
| 11. | Fisheries Research Station, Sikka. | Junagadh Agricultural University |

| Sr.No. | Colleges | University |
|---------------|--|--|
| 12. | Fisheries Research Station, Mundra. | Sardarkrushinagar, Dantiwada Agricultural University |
| 13. | Bull Mother Farm, Amreli | Junagadh Agricultural University |
| 14. | Fisheries Research & Training Center, Mahuva (Dist.:Bhavnagar) | Junagadh Agricultural University |
| 15. | Inland Fisheries Research Station, Junagadh | Junagadh Agricultural University |
| 16. | Dairy Vigyan Kendra, Vejalpur | Anand Agricultural University |
| 17. | ORF Lab. Facility (Animal Biotechnology Unit), Anand. | Anand Agricultural University |
| 18. | Kapila Gau Shanshodhan Kendra, Minawada | Anand Agricultural University |
| 19. | Pashu Sanshodhan Kendra, Ramnamuvada | Anand Agricultural University |
| 20. | Pashu Vigyan Kendra, Limkheda | Anand Agricultural University |
| 21. | Polyclinic at Waghai, (Dangs) | Navsari Agricultural University |
| 22. | Fisheries ITI, Jafrabad (Dist: Amreli) | Junagadh Agricultural University |
| 23. | Fisheries ITI, Okha, (Dist: Devbhumi Dwarka) | Junagadh Agricultural University |
| 24. | Center of Excellence in Aquaculture, Ukai | Kamdhenu University |

PART-III**LIVESTOCK INSPECTOR TRAINING CENTERS (POLYTECHNIC IN ANIMAL HUSBANDRY) :**

| Sr.No. | Polytechnic | University |
|---------------|---|--|
| 1. | Polytechnic in Animal Husbandry, Junagadh | Junagadh Agricultural University |
| 2. | Polytechnic in Animal Husbandry, Navsari | Navsari Agricultural University |
| 3. | Polytechnic in Animal Husbandry, Sardarkrushinagar. | Sardarkrushinagar, Dantiwada Agricultural University |
| 4. | Polytechnic in Animal Husbandry, Rajpur (Nava), Himmatnagar | Kamdhenu University |

PART-IV**DAIRY, CLINICAL COMPLEX**

| Sr.No. | Particular | University |
|---------------|-------------------------|--|
| 1. | Vidya Dairy, Anand | Anand Agricultural University |
| 2. | Clinical Complex, Deesa | Sardarkrushinagar, Dantiwada Agricultural University |

PART-V

Research schemes, Projects of Government of Gujarat or ICAR or other agencies, Training Centers, Clinical Complex, Mobile Clinics with State Agricultural Universities, prior to the commencement of the Gujarat Universities (Amendment) Act, 2020 with all movable and immovable assets belonging to the veterinary, animal husbandry, dairy, fisheries and allied sciences including the land, farms, machineries, equipments, vehicles and official and residential buildings.”.

STATEMENT OF OBJECTS AND REASONS

At present, four Agricultural Universities are in existence under the Gujarat Agricultural Universities Act, 2004. The Government of Gujarat has also established Kamdhenu University in the year of 2009 under the provisions of the Kamdhenu University Act, 2009 for the strengthening of Education, Research and Extension Education in the field of veterinary, dairy and fisheries. However, at present, no colleges of veterinary science and fisheries are covered under the Kamdhenu University and therefore it becomes difficult for accreditation process by the Indian Council of Agriculture Research (ICAR) as well as the concerned of the Veterinary Council of India. To strengthen the animal husbandry and allied section in Gujarat State, there is a need to bring all the colleges related to animal husbandry and allied section under one umbrella *i.e.* Kamdhenu University. In these circumstances, certain colleges, polytechnics, Research Centres, etc. which are at present under the roof of the State Agricultural Universities are required to be transferred to the Kamdhenu University. Accordingly, the Gujarat Agricultural Universities Act, 2004 and the Kamdhenu University Act, 2009 are required to be amended. Certain consequential amendments are also required to be made in both the said Acts.

This Bill seeks to amend the said Acts to achieve the aforesaid objects.

RANCHHODBHAI FALDU,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative power in the following respect:--

Clause 1.— Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 9.— Sub-clause (4) of section 21 of the Kamdhenu University Act, 2009 proposed to be substituted by para (ii) of this clause empowers the State Government to prescribe by rules, sitting charge from the University including daily and traveling allowances for which the nominated members of the Board shall be entitled.

Clause 15.— Sub-section (1) of new section 67 proposed to be inserted in the Kamdhenu University Act, 2009, by this clause empowers the State Government to specify, by notification in the *Official Gazette*, the date from which the colleges, research stations, centers and other units, relating to Animal Husbandry, Fisheries and Dairy Science, constituent or affiliated to State Agricultural Universities or Government specified in Schedule-I shall be de-affiliated from the State Agricultural Universities to which they may have been affiliated on the day immediately preceding such date and shall be transferred to and be maintained by the University as its constituent colleges, research stations, centers or units, etc.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 19th September, 2020.

RANCHHODBHAI FALDU.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 19th September, 2020.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



सत्यमेव जयते



The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE AMBAJI AREA DEVELOPMENT AND PILGRIMAGE TOURISM GOVERNANCE BILL, 2020.

GUJARAT BILL NO. 27 OF 2020.

A BILL

to provide for development of the area and management of Pilgrimage Tourism in and around the Maa Ambaji Temple at Ambaji in the State of Gujarat by providing necessary civic infrastructure through effective planning, administration, governance, and the matters connected therewith and incidental thereto.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Ambaji Area Development and Pilgrimage Tourism Governance Act, 2020.
- (2) It shall extend to the Pilgrimage Tourism development area as declared under section 3.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title, extent
and commencement.

Definitions. 2. (1) In this Act, unless the context otherwise requires-

- (a) “Ambaji Area Development and Pilgrimage Tourism Governance Authority” means the authority constituted under section 4 or any Government agency or Government company designated as such under sub-section (4) of section 4;
- (b) “amenities” means basic and essential services including but not limited to roads, bridges, bypasses and underpasses, drainage, water supply, power supply and electrical installations, collection-treatment-discharge and disposal of institutional and township waste, buildings for accommodation, sanitary facilities, health facilities, education facilities, entertainment facilities, means of transport, disaster management, parks, green areas, gas pipeline, hospitality, recreation, industry, development of townships and institutional areas, measures required for safety or convenience of the devotees and such other facilities or services as the Ambaji Area Development and Pilgrimage Tourism Governance (AADPTG) Authority may specify;
- (c) “building operations” shall have the same meaning as is assigned to it under clause (vi) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976;
- (d) “developer” means a person or entity with whom a Concession Agreement is entered into or a project has been awarded and for which such other agreement is entered into for furtherance of the objectives of this Act;
- (e) "development" shall have the same meaning as is assigned to it under clause (viii) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976.
- (f) "development plan" means a plan for the development or re-development or improvement of a Pilgrimage Tourism development area;
- (g) "engineering operations" shall have the same meaning as is assigned to it under clause (xi) of section 2 of the Gujarat Town Planning and Urban Development Act 1976;
- (h) “Government agency” means a Corporation or a Government company or a body owned or controlled by the State Government or an authority established by or under any State law and includes a local authority;

**President's
Act No. 27
of 1976.**

**President's
Act No. 27
of 1976.**

**President's
Act No. 27
of 1976.**

- President's Act No. 27 of 1976.
- (i) "land" shall have the same meaning as is assigned to it under clause (xiii) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976;
- Guj. 34 of 1964.
- (j) "local authority" means a municipality constituted or deemed to be constituted under the Gujarat Municipalities Act, 1963, a committee appointed for a notified area under the Gujarat Municipalities Act, 1963 or a panchayat constituted under the Gujarat Panchayats Act, 1993;
- Guj. 18 of 1993.
- (k) "Notification" means a notification published in the *Official Gazette*;
- (l) "Nuisance" includes any act of commission or omission or carrying on of any activity, process, operation including the operation of any machine which causes or is likely to cause injury, danger, or which is or may be dangerous to life or injurious to health or property or to any animal or plant;
- (m) "occupier" includes, -
- (i) any person who for the time being is paying or is liable to pay to the owner the rent of the land or building in respect of which such rent is paid or is payable;
 - (ii) an owner living in or otherwise using his land or building;
 - (iii) a rent-free tenant;
 - (iv) a licensee in occupation of any land or building;
 - (v) any person who is liable to pay to the owner damages or compensation for the use and occupation of any land or building;
- President's Act No. 27 of 1976.
- (n) "operational construction" shall have the same meaning as is assigned to it under clause (xvii) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976.
- (o) "owner", in relation to any property, includes any person who is, for the time being receiving or entitled to receive, whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as an agent, trustee, guardian, manager or receiver for any other person or for any religious or charitable institution, the rents or profits of the property; and also includes a mortgagee in possession thereof but shall not include any such person who on the date of commencement of this Act is in illegal

possession of any land which has been acquired by the State Government or by any other authority and has vested in the State Government and shall also not include a person who has encroached upon such land;

- (p) “person” means and includes, an individual, an entity, a company, firm, organization, association of persons, society, establishment, institution including Government agencies carrying on business or economic activity in the Pilgrimage Tourism development area;
- (q) “Pilgrimage Tourism development area” means the area declared under section 3;
- (r) “Pilgrimage Tourism trade” means and includes facilities, service, activities or products relating to Pilgrimage Tourism provided to a pilgrim in a premises by any person or travel agency or Trust regularly or occasionally within Pilgrimage Tourism development area or otherwise;
- (s) “prescribed” means prescribed by rules made under this Act;
- (t) “Prescribed Authority” means an Authority appointed under section 25;
- (u) "regulations" means a regulations made under section 54 and includes zoning and other regulations made as part of a development plan or town planning scheme;
- (v) "rules" means rules made under section 53;
- (w) “Tourism activity” means the activities and services including but not limited to industrial, manufacturing, commercial, financial, processing, packaging, logistics, transport, pilgrimage tourism, hospitality, health, housing, entertainment, research and development, education and training, skill development, information and communication, management and consultancy, corporate offices and the activities and services connected therewith or incidental thereto and other activities including the economic activities as the State Government may specify by notification in the *Official Gazette*;
- (x) “tourist guide” means the tourist guide appointed under section 30.
- (y) "Trust" means the Shri Arasuri Ambaji Mata Devasthan Trust (SAAMDT) ;

President's
Act No. 27
of 1976.

- (2) The words and expression used but not defined in this Act shall have meanings respectively assigned to them in the Gujarat Town Planning and Urban Development Act, 1976.

CHAPTER II

DECLARATION OF PILGRIMAGE TOURISM DEVELOPMENT AREA

3. (1) The State Government, for the purpose of securing planned Pilgrimage Tourism development, administration and governance in and around Maa Ambaji Temple, District Banaskantha in the State of Gujarat, may, by notification in the *Official Gazette*, declare such area to be the Pilgrimage Tourism development area.
- (2) Every notification issued under sub-section (1) shall define the limits of the area to which it relates.
- (3) The State Government may also, by notification in the *Official Gazette*, extend or reduce the Pilgrimage Tourism development area as and when it deems fit.

**Declaration of
Pilgrimage
Tourism
development
area.**

CHAPTER III

CONSTITUTION OF AMBAJI PILGRIMAGE TOURISM AUTHORITY

4. (1) As soon as may be after the declaration of a Pilgrimage Tourism development area under section 3, the State Government shall, by notification in the *Official Gazette*, constitute an authority for such area to be called the Ambaji Area Development and Pilgrimage Tourism Governance Authority (hereinafter referred to as "Ambaji Pilgrimage Tourism Authority") for such Pilgrimage Tourism development area for the purpose of carrying out the functions assigned to it by or under this Act.

**Constitution of
Ambaji
Pilgrimage
Tourism
Authority.**

- (2) The headquarters of the Ambaji Pilgrimage Tourism Authority shall be at Village: Ambaji, District: Banaskantha:

Provided that the State Government may, by notification in the *Official Gazette*, specify any other place to be the headquarters of the Ambaji Pilgrimage Tourism Authority.

- (3) (a) The Ambaji Pilgrimage Tourism Authority shall consist of the following members, namely: -
- (i) a Chairman to be appointed by the State Government;

- (ii) the Vice - Chairman – Collector, Banaskantha, *ex-officio*;
- (iii) the Secretary, Gujarat Pavitra Yatradham Vikas Board, *ex-officio*;
- (iv) the Joint Secretary / Deputy Secretary, Tourism Department, *ex-officio*;
- (v) the Superintendent of Police, Banaskantha, *ex-officio*;
- (vi) two officials of the State Government, to be nominated by the State Government, *ex-officio*;
- (vii) the Town Planner, District: Banaskantha, *ex-officio*;
- (viii) the Prant Officer, Ta: Danta, District: Banaskantha, *ex-officio*;
- (ix) two experts who possess experience and knowledge in area development or Pilgrimage Tourism to be nominated by the State Government;
- (x) the President, Danta Taluka Panchayat, District: Banaskantha, *ex-officio*;
- (xi) a Member-Secretary who shall also be designated as the Chief Executive Officer – Administrator and Deputy Collector, Ambaji Trust, *ex-officio*;

(b) The Chairman shall have powers to co-opt the members, not exceeding three, in the Ambaji Pilgrimage Tourism Authority subject to the rules as may be prescribed:

Provided that no such appointment shall be made except without the prior consultation with the State Government.

(c) The terms and conditions of service of the members so co-opted shall be as may be determined by the State Government.

(4) The State Government may, instead of constituting the Ambaji Pilgrimage Tourism Authority, designate any Government agency or Government company as the Ambaji Pilgrimage Tourism Authority and empower it to exercise any or all of the powers to enable it to perform the functions by or under this Act.

**Term of
office and
conditions of
service of
members.**

5. (1) The term of office, conditions of service and powers and functions of the Chairman, Vice- Chairman, the Chief Executive Officer and members appointed under sub-clause (ix) of clause (a) of sub-section (3) of section 4 of the Ambaji Pilgrimage Tourism Authority shall be such as may be prescribed.

(2) The Chairman, the Vice-Chairman and the members of the Ambaji Pilgrimage Tourism Authority other than *ex-officio* members shall hold office during the pleasure of the State Government.

(3) The conditions of service of the members of the Ambaji Pilgrimage Tourism Authority other than *ex-officio* members shall be such as may be prescribed and such members shall be entitled to receive such remuneration or allowances or both as the State Government may, by an order determine.

(4) (a) If the State Government is of the opinion that any member of Ambaji Pilgrimage Tourism Authority is guilty of misconduct in the discharge of his duties or is incompetent or has become incapable of performing his duties as such member, or should for any other good and sufficient reasons, be removed, the State Government may, after giving him an opportunity to be heard, remove him from office.

(b) Any member of the Ambaji Pilgrimage Tourism Authority other than an *ex-officio* member may at any time resign his office by writing under his hand addressed to the State Government and upon the acceptance thereof, the office of such member shall become vacant.

6. (1) The Ambaji Pilgrimage Tourism Authority shall meet at such time and at such place as the Chairman may determine:

Provided that the procedure with regard to transaction of business at its meetings including quorum at such meeting shall be such as may be laid down by the Ambaji Pilgrimage Tourism Authority in consultation with the State Government.

(2) The Ambaji Pilgrimage Tourism Authority shall meet at least once in every quarter.

(3) The appointment, remuneration, allowances and conditions of services of the officers and employees of Ambaji Pilgrimage Tourism Authority shall be such as may be prescribed by regulations.

**Meeting of
Ambaji
Pilgrimage
Tourism
Authority and
transaction of
business.**

7. (1) The Ambaji Pilgrimage Tourism Authority may constitute an Executive Committee and such other committees consisting of members not exceeding six in numbers, for the performance of its functions as may be determined by it.

(2) The terms and conditions of any of the committees constituted under sub-section (1) shall be such as may be determined by the Ambaji Pilgrimage Tourism Authority.

**Constitution of
Committees.**

8. No act or proceedings of the Ambaji Pilgrimage Tourism Authority and any of its committees shall be invalidated or vitiated merely by reason of –

- (a) a vacancy therein or any defect in the constitution thereof, or
- (b) an irregularity in its procedure not affecting the merits of the case.

**Validity of acts and
proceedings of Ambaji
Pilgrimage Tourism
Authority and
committees.**

CHAPTER IV
POWERS AND FUNCTIONS OF AMBAJI PILGRIMAGE
TOURISM AUTHORITY

Powers and
functions of
Ambaji
Pilgrimage
Tourism
Authority.

9. (1) The Ambaji Pilgrimage Tourism Authority shall secure planned development of the Pilgrimage Tourism development area and take steps to provide basic infrastructure and measures for effective management thereof.

(2) The Ambaji Pilgrimage Tourism Authority shall, in particular, exercise the following powers and perform the following functions, namely: -

- (i) to engage or assist or promote necessary facilities for the local residents, pilgrims as well as tourists;
- (ii) to establish, maintain and operate services connected with the Pilgrimage Tourism industry and to co-ordinate the activities of the persons providing such services for pilgrims;
- (iii) to prescribe, regulate, maintain and enforce the standards to be maintained by the different persons engaged in Pilgrimage Tourism trade and Pilgrimage Tourism activity;
- (iv) to acquire hereinafter by sale, take on lease, hire, pledge or otherwise, grant, allocation, donation, town planning scheme, consent agreement or through proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, hold or manage any moveable or immoveable property as it may deem necessary subject to general or specific directions of the State Government in this behalf;
- (v) to sale, lease, transfer or dispose of any land or building belonging to it subject to the regulations made by the State Government;
- (vi) to enter into contracts, agreements or concession agreement with any person, entity, developer or organization as it may deem necessary for performing its functions;
- (vii) to undertake preparation and execution of development plan for whole or part of the area of the Pilgrimage Tourism development area;
- (viii) to undertake preparation and execution of town planning scheme for whole or part of the Pilgrimage Tourism development area;
- (ix) to make general or specific regulations or issue directions to fix so as to implement the standards and the norms for building structures, infrastructure development, aesthetics and other construction activities;

30 of 2013.

- (x) to remove encroachments from Pilgrimage Tourism development area and constructions there from not duly authorized or made in violation of the regulations, directions and norms laid down;
- (xi) to control the development activities in accordance with the development plan and to bring aesthetics, efficiency and economy in the process of development;
- (xii) to ensure and make provision for sufficient civic amenities including drainage and services including hospitals and medical services, schools, fire services, public parks, markets and shopping places, play grounds, entertainment areas and disposal of waste.
- (xiii) to make sustainable arrangements for providing and maintaining the highest standards in civic amenities such as water supply, sewerage, power supply, transportation, communication, infrastructure and services particularly for cleanliness, aesthetics, health, hygiene, etc.
- (xiv) to provide for disaster management and mitigation;
- (xv) to levy and collect such fees, development charges, or user charges as may be fixed by the State Government;
- (xvi) to exercise such other powers and discharge such other functions for proper planning, management and development of the Pilgrimage Tourism development area, the Ambaji Pilgrimage Tourism Authority may issue such directions or instructions as it may consider necessary to any person, unit, entity, developer or any other stakeholder.
- (xvii) to exercise such other powers and discharge such other functions as may be prescribed by rules or regulations.
- (xviii) to appoint directly by contractual appointment / deputation/ outsourcing or in any other manner, the staff for carrying out various functions and duties specified by the Act and determine remuneration thereof.
- (xix) to exercise such other powers and perform such other functions as are incidental or consequential to any of the foregoing powers and functions or as may be directed by the State Government.

(3) The powers and functions of the Shri Arasuri Ambaji Mata Devasthan Trust (SAAMDT) shall not be affected with respect to religious activities, maintenance and development of temple complex, administration of the Trust funds including donations, and in any other manner whatsoever.

(4) On receipt of the proposal from the Ambaji Pilgrimage Tourism Authority or otherwise, the State Government may, by notification in the *Official Gazette*, delegate any of the powers and functions of the Ambaji Pilgrimage Tourism Authority to the local authority or authorities or an officer within its jurisdiction.

(5) Notwithstanding anything contained in the relevant State Acts, rules or any existing instructions of the State Government, the provisions made under clause (v) of sub-section (2) shall prevail.

CHAPTER V TOWN PLANNING

Application
of
President's
Act No. 27 of
1976.

10. (1) The provisions of the Gujarat Town Planning and Urban Development Act, 1976, shall *mutatis mutandis*, apply with respect to the Development Plans and to the Town Planning Schemes made under this Act.

(2) The Ambaji Pilgrimage Tourism Authority shall be the "Appropriate Authority" for the Pilgrimage Tourism development area for the purposes of sub-section (1).

CHAPTER VI CONTROL, REGULATION AND DEVELOPMENT IN PILGRIMAGE TOURISM DEVELOPMENT AREA

Restriction on
development
after
publication of
draft
development
plan.

11. (1) On or after the date on which the Ambaji Pilgrimage Tourism Authority is constituted, no person shall carry on any development in any building or in or over any land, within the limits of the said Pilgrimage Tourism development area without the permission in writing of the Ambaji Pilgrimage Tourism Authority:

Provided that no such permission shall be necessary, -

- (i) in respect of any work which is being carried on by the State Government on the date of commencement of this Act;
- (ii) for any work being carried on for the maintenance, improvement or other alteration of any building and which affect only the interior of the building or which does not materially affect the external appearance thereof;

- (iii) for the carrying out of-
 - (a) any operational construction undertaken by the Central Government or a State Government;
 - (b) any work for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables, telephone or other apparatus or the breaking open of any street or other land for such purpose;
- (iv) for any excavation, including excavation of wells made in the ordinary course of an agricultural operation;
- (v) for the construction of a road intended to give access to land solely for agricultural purposes;
- (vi) for the normal use of land which has been used temporarily for other purposes;
- (vii) in case of land normally used for one purpose and occasionally used for any other purpose, for the use of land for that other purpose;
- (viii) for any purpose incidental to the use of a building for human habitation or any other building or land attached to such building.

12. Any person, not being the Central Government or a State Government, intending to carry out any development in any building or in or over any land within the limits of a Pilgrimage Tourism development area shall, make an application in writing to the Ambaji Pilgrimage Tourism Authority for permission for such development in such form and containing such particulars and accompanied by such documents as may be determined by regulations.

Application of permission for development.

13. (1) Any person not being the Central Government or a State Government, intending to retain any use of building or work constructed or carried out on any land, or to continue any use of any particular land, before the date on which a final development plan comes into force, which is not in conformity with the provisions of the regulations or the final development plan, shall make an application in writing to the Ambaji Pilgrimage Tourism Authority for permission to retain or continue such use, containing such particulars and accompanied by such documents and such fees as may be determined by regulations, within six months from the date on which the final development plan in respect of such Pilgrimage Tourism development area comes into force.

Permission for retention or continuance of use of any building or work or any use of land.

(2) On or after the date on which the said period of six months expires, no person shall retain or continue any such use of building or work or land, without such permission having been obtained or contrary to the terms thereof:

Provided that where such person has applied under sub-section (1) within a period of six months and no order has been made within a period of six months after the receipt of the application under said sub-section (1), he shall retain or continue such use until the date of such order.

**Grant or
refusal of
permission.**

14. (1) On receipt of an application under section 12 or section 13, the Ambaji Pilgrimage Tourism Authority shall furnish the applicant with a written acknowledgement of its receipt and after satisfying itself that the development charge, if any, payable by the applicant has been paid and after making such inquiry as it thinks fit may, subject to the provisions of this Act, by order in writing-

- (i) grant the permission with or without any condition; or
- (ii) grant the permission, subject to any general or special order made by the State Government in this behalf; or
- (iii) refuse to grant the permission.

(2) Any permission under sub-section (1) shall be granted in the prescribed form and every order granting permission subject to conditions or refusing permission shall state the grounds for imposing such conditions or for such refusal.

(3) Every order made under sub-section (1) shall be communicated to the applicant in the manner prescribed by regulations.

(4) If the Ambaji Pilgrimage Tourism Authority fails to communicate its order to the applicant within three months from the date of receipt of the application, such permission shall be deemed to have been granted to the applicant on the expiry of the said period of three months.

**Unauthorized
construction.**

15. (1) If any person carries on any development work or retains the use of any building or work or continues the use of land in contravention of the provisions of section 12 or section 13 or of any permission granted under sub-section (1) of section 14, the Ambaji Pilgrimage Tourism Authority may direct such person, by notice in writing, to stop further progress of such work or to discontinue any use and may, after making an inquiry in the prescribed manner, remove or pull down any building or work carried out and restore the land to its original condition or, as the case may be, take any measures to stop such use.

(2) Any expenses incurred by the Ambaji Pilgrimage Tourism Authority under sub-section (1) shall be a sum due to the Ambaji Pilgrimage Tourism Authority under this Act from the person in default.

**Obligation to
purchase land on
refusal of
permission or
grant of
permission in
certain cases.**

16. (1) Where permission for the retention or continuance or retention of use of building or work or land of the kind referred to in section 13 is refused or is granted subject to any conditions, then, if any owner of the land claims-

- (a) in a case where such permission is refused on the ground that the land in question has become incapable of reasonable beneficial use in its existing state,
- (b) in a case where permission is granted subject to conditions, due to which the land has become incapable of reasonable beneficial use by carrying out the conditions of the permission,

he may, within the time and in the manner determined by regulations, serve on the Ambaji Pilgrimage Tourism Authority a notice (hereinafter referred to as “a purchase notice”) requiring the Ambaji Pilgrimage Tourism Authority to purchase his interest in the land in accordance with the provisions of this section.

(2) Where a purchase notice is served on the Ambaji Pilgrimage Tourism Authority under sub-section (1), the Ambaji Pilgrimage Tourism Authority shall forthwith transmit a copy of the notice to the State Government and the State Government shall, if satisfied, confirm the notice and thereupon the Ambaji Pilgrimage Tourism Authority shall be deemed to be authorized to acquire the interest of the owner in accordance with the provisions of this Act, and shall serve on the owner a notice for acquiring his interest in such land on such date as the State Government may direct.

(3) If the State Government does not confirm the purchase notice, within the period of six months from the date on which the purchaser has served notice under sub-section (1), the notice shall be deemed to have been confirmed at the expiration of that period and the Ambaji Pilgrimage Tourism Authority on which the notice was served shall be deemed to be authorized to acquire the interest of the owner.

17. Every permission granted or deemed to have been granted under section 14 shall remain in force for a period of one year from the date of such grant and thereafter it shall lapse:

Lapse of permission.

Provided that, the Ambaji Pilgrimage Tourism Authority may, on an application from time to time, extend such period by a further period not exceeding one year at a time, so however, that the extended period shall in no case exceed three years in the aggregate:

Provided further that the lapse of the permission as aforesaid shall not bar any subsequent application for fresh permission under this Act.

18. (1) If it appears to the Ambaji Pilgrimage Tourism Authority that it is necessary or expedient, having regard to the development plan that may have been prepared or may be under preparation or having regard to any variation made in the final development plan that any permission granted under section 14 should be revoked or modified, the Ambaji

Power of revocation and modification of permission to development.

Pilgrimage Tourism Authority may, after giving the person concerned an opportunity of being heard, by an order, revoke or modify the permission to such extent as appears to it to be necessary :

Provided that where the permission relates to the carrying out of any building or other operation, in or over any land, no such order shall affect such of the operations as may have already been carried out in pursuance of the permission and no such order shall be passed after such operations have substantially progressed or have been completed.

(2) Where any permission is revoked or modified by an order made under sub-section (1) and any owner claims, within the time and in the manner as may be prescribed, compensation for the expenditure incurred in carrying out any development in accordance with such permission which has been rendered abortive by the revocation or modification, the Ambaji Pilgrimage Tourism Authority shall, after giving the owner a reasonable opportunity of being heard, assess and offer such compensation to the owner as it thinks fit.

(3) If the compensation as offered under sub-section (2) is not acceptable to the owner, he may prefer an appeal before the District Judge within a period of three months from the date of such order:

Provided that no such appeal shall be entertained if not made within the stipulated time limit.

Penalty for unauthorized development or use or continuance or retention of the use without permission.

19. (1) Any person who, whether at his own instance or at the instance of any other person, commences, undertakes or carries out development-

- (a) without any application for permission required under section 12;
- (b) which is not in accordance with any permission granted under section 13 or section 14 or is in contravention of any condition subject to which such permission has been granted;
- (c) after such permission has been duly revoked; or
- (d) in contravention of any modification made in such permission,

shall, on conviction, be punished with fine which may extend to fifty thousand rupees, and in the case of a continuing offence with a further fine which may extend to five thousand rupees for each day during which the offence continues after conviction for the first offence.

(2) Any person who continues to use or allows the use of any land or building or work in contravention of the provisions of a development plan or being allowed to do so under section 14 or where the continuance of such use has been allowed under that section, continues such use after the period for which the use has been allowed, or does not comply with the terms and conditions under which the continuance of such use is allowed, shall, on conviction, be punished with fine which may extend to fifty thousand rupees and in the case of a continuing offence, with a further fine which may extend to five thousand rupees for each day during which such offence continues after conviction for the first offence.

Power to require removal of unauthorized development or use.

20. (1) Where any development has been carried out in any of the circumstances referred to in sub-section (1) of section 19, or any use of land or building or work is continued so as to constitute an offence punishable under sub-section (2) of section 19, the Ambaji Pilgrimage Tourism Authority may, subject to the provisions of this section, within three years of such development, or continuance of use so made, serve on the owner a notice requiring him, within such period, being not less than one month as may be specified therein, after the service of the notice,-

- (a) to restore the land or building to its condition existing before the said development took place, in cases specified in clause (a) or clause (c) of sub-section (1) of section 19;
- (b) to secure compliance with the conditions or with the permissions as modified, as the case may be, in cases specified in clause (b) or clause (d) of sub-section (1) of section 19;
- (c) to discontinue such use of building or land or work:

Provided that where the notice requires the discontinuance of any use of land or building, the Ambaji Pilgrimage Tourism Authority shall also serve a notice on the occupier.

(2) The notice under sub-section (1) may include the following, namely: -

- (a) the demolition or alteration of any building or work;
- (b) the carrying out on land of any building or other operations.

(3) Any person aggrieved by such notice may, within the period specified in the notice, make representation to the Ambaji Pilgrimage Tourism Authority.

(4) The Ambaji Pilgrimage Tourism Authority, after considering the representation and, if it deems fit, after providing an opportunity of being heard, may withdraw the notice fully or to the extent in respect of any of the matters specified therein:

Provided that in case where the representation is not withdrawn fully, the Ambaji Pilgrimage Tourism Authority may grant a period not exceeding one month for the compliance of the matters which have not been withdrawn.

(5) In case where the owner acts in breach of the provisions of sub-section (1) or in breach of the provisions of sub-section (4), as the case may be, the Ambaji Pilgrimage Tourism Authority may pass an appropriate order,-

- (a) to discontinue any use of land or building made in contravention of the notice;
- (b) to demolish or alter any building or work or other operations, and recover the amount of any expenses incurred by it in this behalf from the owner as an arrear of land revenue, where the notice requires for demolition or alteration of any building or work or the carrying out of any construction or other operations, for the purpose of the restoration of the building to its condition before the development took place and secure compliance with the conditions of the permission or with the permission as modified.

(6) Whoever, contravenes clause (a) of sub-section (5) shall, on conviction, be punished with fine which may extend to fifty thousand rupees, and in the case of a continuing offence, with a further fine which may extend to one thousand rupees for each day during which such offence continues after conviction for the first offence.

**Removal of
unauthorized,
temporary
development
summarily.**

21. (1) Notwithstanding anything contained in this Chapter, where any person has carried out any development of a temporary nature in any of the circumstances referred to in sub-section (1) of section 20, so as to constitute an offence punishable under that section, the Ambaji Pilgrimage Tourism Authority may, by an order in writing, direct such person to remove any structure or work erected within fifteen days of the receipt of such order, and if thereafter, the person does not comply with the said order, the Ambaji Pilgrimage Tourism Authority may direct the Superintendent of Police, Banaskantha District to have such structure or work summarily removed without any notice and thereupon any such structure or work shall be summarily removed.

(2) The decision of the Ambaji Pilgrimage Tourism Authority on the question as to what is development of a temporary nature shall be final.

**Recovery of
expenses
incurred.**

22. Any expenses incurred by the Ambaji Pilgrimage Tourism Authority under section 20 or section 21 shall be a sum due to the Ambaji Pilgrimage Tourism Authority under this Act from the person in default or the owner of the land or the building.

23. (1) Where the Central Government or a State Government intends to carry out development of any land for any purpose of the Government or for carrying out any operational construction, the concerned Department shall inform in writing the Ambaji Pilgrimage Tourism Authority of its intention to do so, giving full particulars thereof, and accompanied by such documents and plans as may be prescribed at least thirty days before undertaking such development or construction.

Development under taken on behalf of Government and Ambaji Pilgrimage Tourism Authority.

(2) Where the Ambaji Pilgrimage Tourism Authority raises any objection to the proposed development on the ground that such development is not in conformity with the provisions either of any development plan under preparation, or development plan already sanctioned, or of any building bye-laws in force for the time being, or for any other material consideration, the concerned Department shall-

- (i) either make necessary modifications in the proposals for development to meet the objections raised by the Ambaji Pilgrimage Tourism Authority; or
- (ii) submit the proposals for development together with the objections raised by the Ambaji Pilgrimage Tourism Authority to the State Government for decision.

(3) The State Government on receipt of the proposals for development together with the objections of the Ambaji Pilgrimage Tourism Authority shall, either approve the proposals with or without modifications or direct the department to make such modifications in the proposals as it considers necessary in the circumstances.

(4) Where the Ambaji Pilgrimage Tourism Authority intends to carry out development of land for its own purpose in the exercise of its powers under any law for the time being in force, such development shall be in conformity with the development plan and of the bye-laws or regulations relating to construction of buildings.

(5) The provisions of sections 12, 13 and 14 shall not apply to developments carried out under this section.

CHAPTER VII

PILGRIMAGE TOURISM AREA PROTECTION AND MAINTENANCE

24. The District Police shall assist the officers or any other persons authorized to discharge any of the provisions for enforcement of this Act particularly in respect of the following, namely:-

District police to assist Ambaji Pilgrimage Tourism Authority.

- (i) for the better protection and security of the public property within the Pilgrimage Tourism development area including prevention of encroachments and removal thereof;
- (ii) for aiding the officers of the Ambaji Pilgrimage Tourism Authority in the detection and investigation of any matter relating to leakage of revenue or any amount payable to the Ambaji Pilgrimage Tourism Authority;
- (iii) for effective communication and obtaining of any information regarding any design to commit or the commission of any offence by any person under this Act or any rules or regulations made thereunder;
- (iv) to exercise such other powers and discharge such other functions as may be prescribed.

**Appointment
of Prescribed
Authority.**

25. The State Government may, by notification in *Official Gazette*, appoint any officer to be a Prescribed Authority for the Pilgrimage Tourism development area.

**Prevention
of nuisance.**

26. Notwithstanding anything contained in any other law for the time being in force, or any instrument, contract or usage or any order, judgment or decree of any court, no person, company, association or firm or any other body shall cause any nuisance within the Pilgrimage Tourism development area.

**Power of
Prescribed
Authority to
prohibit
nuisance.**

27. (1) The Prescribed Authority, either on its own motion or upon a complaint received or upon reference made to him, may, by an order in writing and without giving any prior notice, prohibit any nuisance being caused or prevent any such activity, process, operation being carried out, if in his opinion, the same has damaged or deteriorated or is likely to damage or affect adversely to pilgrimage tourism potentiality of the Pilgrimage Tourism development area, and pass such interim orders as it deems fit.

(2) If, in the opinion of the Prescribed Authority, despite the actions taken by him under sub- section (1) a nuisance is continued, he shall issue notice to the person responsible for such nuisance to remove such nuisance forthwith.

(3) If the concerned person fails to comply with the directions under sub-section (1), the material thing or object of nuisance shall stand forfeited and vested in the State Government.

(4) The expenses and costs incurred, if any, in removing or abating such nuisance, shall be recovered as an arrear of land revenue from the person who has caused such nuisance.

(5) Any property, thing, material or object, which is a nuisance under this Act, may be disposed of or dealt with by the State Government in the manner as it may deem fit.

(6) Whoever causes the nuisance or abets the same or fails to comply with any order or directions given under this section, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty thousand rupees or both.

(7) Any offence committed under sub-section (6) shall be cognizable and non-bailable.

28. (1) No person shall, within the Pilgrimage Tourism development area commit or cause to commit or attempt to commit any act of touting or malpractice against any pilgrim or engage in begging or in unauthorized hawking at any pilgrimage tourist destination and shall be dispersed by any personnel authorized by the Ambaji Pilgrimage Tourism Authority;

Prohibition of certain activities in Pilgrimage Tourism development area.

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with imprisonment for a term which may extend to one month or with fine which may extend to five thousand rupees or with both.

CHAPTER VIII

LICENSING, REGISTRATION, RECOGNITION AND GRADING OF PILGRIMAGE TOURISM TRADE RELATED ACTIVITIES

29. The Ambaji Pilgrimage Tourism Authority shall regulate every category of tourism trade in the Pilgrimage tourism development area by registering, recognition and grading in accordance with the procedures as determined by Ambaji Pilgrimage Tourism Authority.

Registration, Recognition and Grading.

30. (1) The Ambaji Pilgrimage Tourism Authority may, for the Pilgrimage Tourism development area, from time to time, appoint as many tourist guides as required and specify their functions.

Appointment of Tourist Guide and licensing.

(2) The Ambaji Pilgrimage Tourism Authority shall appoint the tourist guides in the manner as may be determined by it.

(3) The Ambaji Pilgrimage Tourism Authority shall issue necessary license to the tourist guides containing therein the terms and conditions of such license.

(4) It shall be competent for the Ambaji Pilgrimage Tourism Authority to cancel the licenses of any tourist guide if he breaches any of the terms and conditions of the licenses.

(5) No person having not been granted the license, shall act as a tourist guide.

(6) Whoever acts as a tourist guide without having the license, shall, on conviction, be punishable with imprisonment which may extend to one month.

CHAPTER IX

AMBAJI PILGRIMAGE TOURISM AUTHORITY TO BE AN INDUSTRIAL TOWNSHIP

**Ambaji
Pilgrimage
Tourism
Authority to
be an
Industrial
Township.**

31. (1) The State Government may, having regard to the proviso to clause (1) of article 243Q of the Constitution of India consider the Pilgrimage Tourism development area to be an industrial township, and may by notification, declare the Pilgrimage Tourism development area to be a notified area:

Provided that, the State Government may, while declaring the notified area, include or exclude the village site area (*gamtal*) of a Village Panchayat or Municipal area.

(2) The provisions of sections 264B and 264C of the Gujarat Municipalities Act, 1963 shall be applicable in case the Pilgrimage Tourism development area is declared as notified area under sub-section (1).

**Guj. 34 of
1964.**

CHAPTER X

FINANCE, ACCOUNTS AND ANNUAL REPORTS OF AMBAJI PILGRIMAGE TOURISM AUTHORITY

**Funds of
Ambaji
Pilgrimage
Tourism
Authority.**

32. (1) The Ambaji Pilgrimage Tourism Authority shall establish a fund to be called the “Ambaji Pilgrimage Tourism Authority fund”.

(2) The following shall form part of, or be paid in to, the fund.

- (a) all money received by the Ambaji Pilgrimage Tourism authority by way of grants, loans, advances, fees, development charges or otherwise;
- (b) all money derived from its undertakings, projects and other sources;
- (c) bequests, donations made to the Authority, if any.
- (d) all money received by the Ambaji Pilgrimage Tourism Authority in any other manner or from any other source.

2 of 1934.

(3) The fund of the Ambaji Pilgrimage Tourism Authority shall be applied towards the expenses of the authority including expenses incurred in the exercise of its powers and discharge of its functions and for achieving the objects of this Act

(4) The Ambaji Pilgrimage Tourism Authority fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 or in any bank authorized by the State Government in this behalf or invested in such manner as may be prescribed.

(5) The State Government may make such grants, advances and loans to Ambaji Pilgrimage Tourism Authority as the State Government may deem necessary for the performance of its functions under this Act on such terms and conditions as the State Government may determine.

33. The Ambaji Pilgrimage Tourism Authority may, from time to time, borrow for such period and upon such terms, as the State Government may approve, any sum of money necessary for the purpose of achieving the objects of this Act.

Power of authority to borrow money.

34. (1) Any sum due to the Ambaji Pilgrimage Tourism Authority under this Act shall be a first charge on the plot on which it is due, subject to the prior payment of land revenue, if any, due to the State Government thereon.

Recovery of arrears.

(2) It shall be competent for the Ambaji Pilgrimage Tourism Authority to recover any sum due to it which is not paid on demand on the day on which it becomes due or on the day fixed by the Ambaji Pilgrimage Tourism Authority by way of distress and sale of the goods and chattel of the defaulter, as if the amount thereof were a property tax due by the said defaulter.

35. (1) The Ambaji Pilgrimage Tourism Authority shall maintain proper accounts and other records and prepare an annual statement of accounts, including the income and expenditure accounts and the balance sheet, in such form and in such manner as may be prescribed and shall forward to the State Government.

Accounts and Audit.

(2) The accounts of the Authority shall be subject to the audit every year by the Accountant General of the State and any expenditure incurred by him in connection with such audit shall be payable by the Authority to the Accountant General.

36. (1) The Ambaji Pilgrimage Tourism Authority shall during each financial year, prepare an annual report giving a true and full account of its activities during the previous financial year and an account of the activities likely to be undertaken by it in current financial year and submit it to the State Government.

Annual Report.

(2) The State Government shall cause every such report along with the audited annual accounts for the year to be laid before the State Legislature as soon as may be after the receipt of the report under sub-section (1).

Provident fund.

37. The Ambaji Pilgrimage Tourism Authority shall provide to its employees the benefits of EPF scheme applicable under the prevailing law.

CHAPTER XI MISCELLANEOUS

Effect with respect to land right.

38. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, no person shall have any right or any claim over any land which has been acquired by the State Government or by any Government agency prior to coming into force of this Act within the Pilgrimage Tourism Development area and had vested in it,

(2) It shall be competent for the State Government to remove any person from the land referred to in sub-section (1).

Information on Pilgrimage Tourism.

39. (1) Any person who is engaged in any Pilgrimage Tourism activity or Pilgrimage Tourism trade within the Pilgrimage Tourism development area shall get himself registered before the Ambaji Pilgrimage Tourism Authority in the manner as may be determined by it.

(2) The Ambaji Pilgrimage Tourism Authority shall maintain information of all registrations made under sub-section (1) in the manner as may be determined by it.

Power of State Government to appoint its employees.

40. It shall be competent for the State Government, if it considers it necessary to do so, to appoint any employee of the State Government to any office or post under the Ambaji Pilgrimage Tourism Authority upon such terms and conditions as the State Government may determine.

41. (1) If in the opinion of the State Government, the Ambaji Pilgrimage Tourism Authority is not competent to exercise or perform, or neglects or fails to exercise or perform, any power conferred or duty imposed upon it under any of the provisions of this Act, the State Government or a person or persons appointed in this behalf by the State Government may exercise such power or perform such duty.

State Government or person appointed by it may exercise powers, perform duty conferred or imposed on Ambaji Pilgrimage Tourism Authority and disbursement of expense in certain circumstances.

(2) Any expenses incurred by the State Government or by such person or persons in exercising such power or performing such duty shall be paid out of the fund of the Ambaji Pilgrimage Tourism Authority and the State Government may make an order directing any person who for the time being has custody of any such funds to pay such expenses from such fund and such person shall be bound to comply with such order.

42. (1) For the discharge of duties and functions cast under this Act any person authorized by Ambaji Pilgrimage Tourism Authority or any other person authorized by the State Government or any authority shall be authorized to enter into or upon any land or building with or without assistance:

Power of entry.

Provided that-

- (i) no such entry shall be made except between the hours of sunrise and sunset or without giving its occupier at least 24 hours' notice in writing of the intention to enter in the case of any building used as a dwelling house or in the land wherein such building exists;
- (ii) sufficient opportunity shall be given to enable a woman to withdraw from such land or building;
- (iii) due regard shall always be had to the social and religious usages of the occupants of the land or building entered.

(2) Any person who obstructs the entry of a person empowered or authorised under this section to enter into or upon any land or building shall on conviction, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or with both.

43. (1) All documents including notices and orders required by this Act or any rules or regulations made thereunder to be served upon any person shall, save as otherwise provided in this Act or rules or regulations, be deemed to be duly served, -

Service of notice, etc.

(a) where the document is to be served on a Government department, railway, local authority, statutory authority, company, corporation, society or other body, if the document is addressed to the head of the Government department, General Manager of the railway,

secretary or principal officer of the local authority, statutory authority, company, corporation, society or other body at its principal or branch office, or the local or registered office, as the case may be, and is either-

- (i) sent by registered post to such office, or
- (ii) delivered at such office;

(b) where the document is to be served on a partnership firm, addressed at its principal place of business, identifying it by the name or style under which its business is carried on and is either-

- (i) sent by registered post to such place of business, or
- (ii) delivered at the said place of business; and

(c) where any document is to be served on the owner or occupier or in any other case, if the document is addressed to the person to be served and-

- (i) is given or tendered to him, or
- (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or
- (iii) is sent by registered post to that person.

(2) Where a document is to be served on a partnership firm in accordance with this section, the document shall be deemed to be served on each partner.

(3) Where the person on whom a document is to be served is a minor, then service upon his guardian or any adult member of his family shall be deemed to be the valid service upon the minor.

**Public notice
how to be made
known.**

44. Every public notice given under this Act shall be in writing and shall be widely circulated in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality and by advertisement in one or more local newspapers.

**Reasonable
time for
notice.**

45. Where any notice, order or other document issued or made under this Act requires anything to be done for which no time is fixed, the notice, order or other document shall specify a reasonable time for processing the same.

**Offence by
companies.**

46. (1) If the person committing an offence under this Act is a company, every person, who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained above shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance, of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly :

Explanation. - For the purposes of this section-

- (a) "company" means any corporate body and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm means a partner in the firm.

47. (1) Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State laws for the time being in force.

Effect of other laws.

(2) Notwithstanding anything contained in any other law for the time being in force, when permission for such development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.

48. In respect of the land which is included in the scheme sanctioned under the provisions of the Gujarat Town Planning and Urban Development Act, 1976, the provisions of the Gujarat Land Revenue Code, 1879, in so far as obtaining the permission of the Collector for the use of the agricultural land into any non-agriculture purpose is concerned, shall be applicable as per general or specific orders of the State Government made in this behalf.

Application of provisions of section 65 of Gujarat Land Revenue Code, 1879.

49. Land needed for the purposes of a town planning scheme, development plan or an infrastructure project under this Act shall be deemed to be the land needed for public purpose within the meaning of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Land deemed to be for public purpose.

President's Act
No. 27 of 1976.

Bom. V of 1879.

Members,
officers and
employees to
be public
servants.

50. All members, officers, and employees of the Ambaji Pilgrimage Tourism Authority, and other Government Company or Agency shall, while acting or purporting to act in pursuance of the provisions of this Act or the rules and regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Protection of
action taken
in good
faith.

51. No suit, prosecution or other legal proceedings shall lie against the Ambaji Pilgrimage Tourism Authority, other Government companies or any of their committees, members, officers and employees for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rules or regulations made there under.

Power of State
Government to
give directions.

52. (1) The State Government may issue directions to the Ambaji Pilgrimage Tourism Authority for carrying out the purposes of this Act and the authority shall follow such directions.

(2) While exercising its powers and discharging of its functions by Ambaji Pilgrimage Tourism Authority under this Act, if any dispute arises between the authority and the State Government, the decision of the State Government on such disputes shall be final.

Power of State
Government to
make rules.

53. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to such modifications as the legislature may make during the session in which they are so laid or the session immediately following.

Power of
Ambaji
Pilgrimage
Tourism
Authority to
make
regulations.

54. The Ambaji Pilgrimage Tourism Authority may make regulations not inconsistent with the provisions of this Act and the rules made there under to carry out the purposes of this Act and for enabling it to discharge its functions under this Act.

Power of State
Government
to remove
difficulties.

55. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as appears to be necessary or expedient for removing the difficulty:

Provided that no order under sub-section (1) shall be made after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

56. Notwithstanding anything done or any action taken including
(i) any declaration of intention to make a town planning scheme,

Saving.

- (ii) any draft development plan or draft town planning scheme published by Ambaji Area Development Authority,
- (iii) any application made to the State Government for the sanction of any draft development plan or draft town planning scheme,
- (iv) any sanction given by the State Government to the draft development plan or draft town planning scheme or any part thereof,
- (v) any restriction imposed on any person against carrying out any development work in any building or in or over any land or upon an owner of land or building against the erection or re-election of any building or work,
- (vi) any commencement certificate granted,
- (vii) any order or suspension of rule, bye-law, regulation, notification or order made,
- (viii) any purchase notice served on a Ambaji Area Development authority,
- (ix) any interest of an owner compulsorily acquired or deemed to have been acquired by it in pursuance of such purchase notice,
- (x) any revision of development plan,
- (xi) any appointment made of Town Planning officer,
- (xii) any proceeding pending before, and any decision of, a Town Planning Officer or a Board of Appeal,
- (xiii) any final scheme forwarded to, or sanctioned, varied or withdrawn by, the State Government,
- (xiv) any delivery of possession enforced,
- (xv) any eviction summarily made,
- (xvi) any notice severed,
- (xvii) any action taken to enforce a scheme,
- (xviii) any costs of scheme calculated and any payments made to Ambaji Area Development authority by owners of plots included in a scheme,
- (xix) any recoveries made or to be made or compensation awarded or to be awarded in respect of any plot, any rules or regulations made,

**President's
Act No. 27
of 1976.**

under the Gujarat Town planning and Urban Development Act, 1976 shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and the provisions of this Act shall have effect in relation thereto.

STATEMENT OF OBJECTS AND REASONS

Ambaji is an important temple complex in Gujarat with millions of devotees visiting the temple every year. Maa Ambaji Temple is the principal shrine of a goddess who has been worshiped since the pre-Vedic period. It is one of the 51 Shakti Peethas. Every year from all over the country people come here to worship Maa Ambe during Bhadarvi poornima.

In July 2020, International Organization for Standardization (ISO) had conferred the ISO Certification to the Adhyashakti Peeth Ambaji Temple for the well organized management of the entire temple premises, amenities developed at Gabbar as well as planned management of offerings and other facilities and management activities run by the trust in Ambaji Area.

For domestic tourists, the pilgrimage has always been the main motivation. Sustainable tourism requires development of appropriate infrastructure to meet with the needs of basic civic amenities and its proper and effective management to provide a highly satisfying experience to the pilgrims in a safe and secured environment. With ever increasing number of pilgrims from all over the State as well as the Country to this temple, the State Government has felt an imminent need of developing the area. Therefore, the State Government deems it fit to establish an Authority, namely the Ambaji Area Development and Pilgrimage Tourism Governance Authority.

This Bill seeks to give due regard to the public interest and the services and amenities to be provided; welfare and safety measures to be undertaken for the residents, the tourists and the pilgrims coming to Ambaji temple and to upgrade the infrastructural developmental activities in a planned manner with the aim to make the pilgrimage a comfortable and satisfying experience for the pilgrims.

This Bill seeks to achieve the aforesaid object.

The following notes on clauses explain, in brief, some of the important provisions of the Bill: -

Clause 1.- This clause provides for the short title, extent and commencement of the Act.

Clause 2.- This clauses provides for certain terms used in the Bill.

Clause 3.- This clause provides for declaration of pilgrimage tourist development area in and around Ambaji Temple by State Government.

Clause 4.- This clause provides for constitution of Ambaji Pilgrimage Tourism Authority and the members of the said authority.

Clauses 5 to 8.- These clauses provide for the administration and conduct of businesses of the Ambaji Pilgrimage Tourism Authority.

Clause 9.- This clause provides for the powers and the functions of the Ambaji Pilgrimage Tourism Authority. It also provides that the powers and functions of the Shri Arasuri Ambaji Mata Devasthan Trust (SAAMDT) shall not be affected in any manner whatsoever.

Clause 10.- This clause provides for the application of Gujarat Town Planning and the Urban Development Act, 1976 in the matters related to preparation of development plan and Town Planning Schemes.

Clauses 11 to 23.- These clauses provide for the control, regulation and development in Tourism development area, it deals with the granting of permission for development activities and dealing with the illegal structures.

Clauses 24 to 28.- These clauses provide for the Tourism area protection and maintenance including security of tourists, prevention of nuisance, penalties for offences and prohibition of activities deterrent to Tourism development.

Clauses 29 and 30.- These clauses provide for the registration, recognition and grading of different category of Tourism trade and also provides for the appointment and licensing of Tourist guide.

Clause 31.- This clause provides for applying the provisions of Article 243Q in case State Government desires to give the powers of Municipal Governance to the Ambaji Pilgrimage Tourism Authority.

Clauses 32 to 37.- These clauses provide for the finance, accounts and annual reports of Ambaji Pilgrimage Tourism Authority.

Clause 38.- This clause provides for the effect with respect to land right, which has been acquired by the State Government or by any Government agency, prior to coming into force of the Act.

Clause 39.- This clause provides for the registration of the person who is engaged in any tourism activity of tourism trade, within the Tourism development area.

Clause 40.- This clause provides for appointment of any employee of State Government in the office of the Ambaji Pilgrimage Tourism Authority.

Clause 41.- This clause provides for appointment of person or persons, in case Ambaji Pilgrimage Tourism Authority fails to exercise powers, perform duty conferred or imposed on Ambaji Pilgrimage Tourism Authority and disbursement of expense in certain circumstances.

Clause 42.- This clause provides for authorized person to enter into or upon any land or in building.

Clauses 43 to 45.- These clauses provide for the provisions regarding service of notice and public nuisance.

Clause 46.- This clause provides for the provisions related to offence by companies

Clause 47.- This clause provides for the effect of other State laws, which are in force.

Clause 48.- This clause provides for application of section 65 of the Gujarat Land Revenue Code, 1879.

Clause 49.- This clause provides for provisions for considering the land needed for various purposes of this Act to be land needed for public purpose.

Clause 50.- This clause provides for considering the members, officers and employees of Ambaji Pilgrimage Tourism Authority, to be public servants.

Clause 51.- This clause provides for bar of legal proceedings in respect of anything done in good faith.

Clauses 52 to 54.- These clauses provides for power of State Government to give directions, power of State Government to make rules, regulations and power of Ambaji Pilgrimage Tourism Authority to make regulations .

Clause 55.- This clause provides for the power of State Government to remove difficulties arising within two years from the commencement of the Act.

Clause 56.- This clause provides for the saving of certain actions taken under the Gujarat Town planning and Urban development Act, 1976.

NITIN PATEL,

FINANCIAL MEMORANDUM

The Ambaji Area Development and Pilgrimage Tourism Governance Bill, 2020, if enacted and brought into force, would involve expenditure from the Consolidated Fund of the State for the discharge of functions and duties by the Ambaji Pilgrimage Tourism Authority, which may be rupees ten crores.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative powers in the following respects: -

Clause 1. - Sub-clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 2. - Sub-clause (w) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, the activities other than the activities as mentioned therein, including the economic activities.

Clause 3. - This clause empowers the State Government, by notification in the *Official Gazette*,

- (i) to declare the area in and around Ambaji, District Banaskantha to be the Tourism development area;
- (ii) to define the limits of the area to which it relates;
- (iii) to extend the Tourism development area as and when it deems fit

Clause 4. - (i) Sub-clause (1) of this clause empowers the State Government to constitute, by notification in the *Official Gazette*, an authority to be called the Ambaji Pilgrimage Tourism Authority;

(ii) proviso to sub-clause (2) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, the headquarters other than Ambaji, District Banaskantha to be the headquarters of the Ambaji Pilgrimage Tourism Authority;

(iii) para (b) of sub-clause (3) of this clause empowers the State Government to prescribe rules subject to which the Chairman shall have powers to co-opt the members, not exceeding three, in the Ambaji Pilgrimage Tourism Authority.

Clause 5. - (i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the term of office, conditions of service and powers and functions of the Chairman, Vice- Chairman, the Member-Secretary, the Chief Executive Officer and members appointed under sub-clause (xix) of sub-section (3) of section 4 of the Ambaji Pilgrimage Tourism Authority;

(ii) sub- clause (3) of this clause empowers the State Government to prescribe by rules, conditions of service of the members of the Ambaji Pilgrimage Tourism Authority other than *ex-officio* members;

Clause 6. -Sub-clause (3) of this clause empowers the Ambaji Pilgrimage Tourism Authority to appoint, prescribe conditions of services of the officers and employees of the Ambaji Pilgrimage Tourism Authority.

Clause 9. -Sub-clause (3) of this clause empowers the State Government to delegate, by notification in the *Official Gazette*, any of the powers and functions of the Ambaji Pilgrimage Tourism Authority to the local authority or authorities or an officer within its jurisdiction.

Clause 14. - Sub-clause (2) of this clause empowers the State Government to prescribe by rules, the form in which the Ambaji Pilgrimage Tourism Authority shall grant or refuse the permission for development in any building or over any land within the limits of the Tourism development area.

Clause 15. - Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the manner in which the inquiry against unauthorized construction shall be held.

Clause 25. - This clause empowers the State Government to appoint by notification in the *Official Gazette*, any officer to be a Prescribed Authority for the Pilgrimage Tourism development area.

Clause 32. - Sub-clause (4) of this clause empowers the State Government to prescribe by rules, the manner in which Ambaji Pilgrimage Tourism Authority fund shall be invested.

Clause 35. - Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the form and the manner in which the Ambaji Pilgrimage Tourism Authority shall maintain proper accounts and other records and prepare an annual statement of accounts, including the income and expenditure accounts and the balance sheet.

Clause 53. – Sub-clause (1) of this clause empowers the State Government to make, by notification in the *Official Gazette*, rules for carrying out the purposes of the Act.

Clause 55. – Sub-clause (1) of this clause empowers the State Government to make an order published in *Official Gazette*, to remove any difficulty if arisen in giving effect to the provisions of this Act within a period of two years.

The matters in respect of which the said rules and regulations may be made are matters of procedure and administrative detail, and as such, it is not practicable to provide for them in the proposed Bill itself.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 19th September, 2020.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 19th September, 2020.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY
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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT AGRICULTURAL PRODUCE MARKETS (AMENDMENT) BILL, 2020.

GUJARAT BILL NO. 28 OF 2020.

A BILL

further to amend the Gujarat Agricultural Produce Markets Act, 1963.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Agricultural Produce Markets (Amendment) Act, 2020. **Short title and commencement.**

(2) It shall be deemed to have come into force on the 6th May, 2020.

Amendment
of section 1 of
Guj.20 of
1964.

2. In the Gujarat Agricultural Produce Markets Act, 1963, in section 1, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) This Act may be called the Gujarat Agricultural Produce and Marketing (Promotion and Facilitation) Act, 1963.”. Guj.20 of 1964.

Amendment
of section 2 of
Guj.20 of
1964.

3. In the Gujarat Agricultural Produce Markets and Marketing (Promotion and Facilitation) Act, 1963 as so renamed (hereinafter referred to as “the principal Act”), in section 2,- Guj.20 of 1964.

(1) for clause (i), the following clause shall be substituted, namely:-

“(i) “agriculture produce” means all produce, whether processed or not, of agriculture and horticulture specified in the Schedule;”;

(2) for clause (ii), the following clause shall be substituted, namely: -

“(ii)“agriculturist” means a person who ordinarily by himself or who by his tenants or hired labour or otherwise is engaged in the production or growth of agricultural produce but does not include a trader or broker in agricultural produce although such a trader or broker may also be engaged in the production or growth of agricultural produce. It also includes association of farmers by whatever name called, registered under any law for the time being in force and is engaged in aggregation of member farmers produce;”;

(3) after clause (iii), the following clause shall be inserted, namely: -

“(iiia)”buyer” means a person, who himself or itself or on behalf of any person or agent buys or agrees to buy agricultural produce in the market;”;

(4) after clause (iv),the following clause shall be inserted, namely:-

“(iv-a) “cold storage” means a cold storage as may be declared as market sub-yard under this Act;”;

(5) after clause(v-aaa), the following clause shall be inserted, namely:-

“(v-aab) “direct marketing” in relation to agricultural produce means direct wholesale purchase of agricultural produce from the farmers by the processors, exporters, bulk buyers and such other person outside the principal market yard, sub-market yard, private market yard and market sub-yard, or e-market established under section 31C;”;

- (6) after clause (vi-a), the following clauses shall be inserted, namely:-

“(vi-ab)“electronic trading (e-trading)” means trading of notified agricultural produce in which registration, auctioning, billing, booking, contracting, negotiating, exchange of information, record keeping and such other connected activities are done electronically on computer network or internet;

(vi-ac)“electronic trading platform (e-trading platform)” means electronic platform set up either by the State Government or its agency or a person licensed under this Act for conducting trading in notified agricultural produce through electronic media or by any means of communication in which registration, buying and selling, billing, booking, contracting and negotiating are carried out online through computer network or internet or any other such electronic device;”;

- (7) after clause (vi-aaa), the following clauses shall be inserted, namely:-

“(vi-aab) “farmer-consumer market” means a market yard established under section 31E;

(vi-aac)“farmer-producer company(FPC)”means a company of farmer-producer members incorporated and registered as such with the Registrar of Companies under the Companies Act, 2013;

18 of 2013.

(vi-aad)“Government agency” means Government of Gujarat or its department concerned dealing with agricultural produce marketing or the Director or the Board, as the case may be;”;

- (8) for clause (vii), the following clause shall be substituted, namely: -
“(vii)“general commission agent” a person who *bonafide* buys or sells agricultural produce on behalf of his principal, or facilitates buying or selling at primary and other level transactions on e-platform or any other mode of transaction and activities ancillary thereto, keeps it in his custody and controls it during the process of its sale or purchase and collects payment thereof, if required, from the buyer and pays it to the seller for an agreed commission, any agricultural produce on behalf of another person and does or offers to do anything necessary for completing and carrying out the transaction of such sale or purchase;”;
- (9) for clause (ix), the following clause shall be substituted, namely:-
“(ix)”licence” means the license granted under the provisions of this Act;”;
- (10) for clause (x), the following clause shall be substituted, namely:-
“(x) “licensee” means a person holding a license granted under the provisions of this Act;”;
- (11) in clause (xii-a), after the words “sub-market yard”, the words “market sub-yard” shall be inserted;
- (12) after clause (xii-a), the following clause shall be inserted, namely:-
“(xii-aa) “marketing” in relation to agriculture produce means all activities involved in the flow of agricultural produce from production point commencing at the stage of harvest till the same reaches to the ultimate consumers, viz. grading, processing, storage, transport, channels of distribution and all other functions involved in the process;”;
- (13) after clause (xiii-a), the following clause shall be inserted, namely:-
“(xiii-aa) “market sub-yard” means warehouse, silos, cold storage enclosure building or such other structure or place or locality declared to be market sub-yard or deemed to be market sub- yard under section 7A;”;
- (14) after clause (xiv-a), the following clause shall be inserted, namely:-

“(xiv-aa) “Market Yard of National Importance” means a market yard designated or notified as such under section 7AA;”;

(15) after clause (xv), the following clauses shall be inserted, namely:-

“(xv-a) “national agriculture market(NAM)”means an integrated market, without prejudice to any law for the time being in force, where buying and selling of notified agricultural produce and activities incidental thereto are carried out in India possessing marketing utility across time and space;

(xv-ab)“over trading” in relation to a trader means the amount exceeding the value of the notified agricultural produce purchased at any point of time vis-à-vis to the amount of security deposited with or the bank guarantee furnished to the market committee by the trader;

(xv-ac)“person” includes individual, a co-operative society, Hindu Undivided Family, a company or firm or an association or a body of individuals, whether incorporated or not;

(xv-ad) “petty trader” in relation to agricultural produce means a non licensee trader who carries on purchasing or selling of notified agricultural produce in the quantity not exceeding such quantity as may be notified by the Director;”;

(16) after clause (xvii-aaa) the following clause shall be inserted, namely:-

“(xvii-aab) “processing unit” means processing unit declared as market sub-yard under this Act;”;

(17) for clause (xvii-aaaa), the following clause shall be substituted, namely:-

“(xvii-aaaa) “registration” means registration made under this Act;”;

(18) after clause (xx-a), the following clauses shall be inserted, namely:-

“(xx-b) “seller” means a person who sells or agrees to sell agricultural produce for consideration of a price;

“(xx-c) “Schedule” means the Schedule appended to this Act;”;

(19) after clause (xxi), the following clause shall be inserted, namely:-

“(xxia) “silo” means silo declared as market sub-yard under section 7A;”;

(20) for clause (xxiii), the following clause shall be substituted, namely:-

“(xxiii) “trader” means a person who carries on the business of buying or selling of notified agricultural produce and includes a co-operative society, joint family or an association of persons whether incorporated or not which carries such business for the purpose of selling, processing, manufacturing, or for any other purpose, as the case may be, except for the purpose of domestic consumption by himself;”;

(21) after clause (xxiii-aa), the following clause shall be inserted, namely:-

“(xxiii-ab) “U T” means Union Territory as specified in the First Schedule to the Constitution of India;”;

(22) after clause (xxiii-aaa), the following clause shall be inserted, namely:-

“(xxiii-aab) “warehouse” means warehouse declared as a market sub-yard under section 7A;”.

**Amendment
of section 5 of
Guj.20 of
1964.**

4. In the principal Act, in section 5, after sub-section (3), the following sub-section shall be added, namely:-

“(4) The State Government may hold consultations with local authorities, including Panchayati Raj Institutions who own and operate rural periodical markets or *haats* or any other such markets for marketing of agricultural produce within their area of jurisdiction to bring such markets under the regulation of this Act, so as to develop these markets for efficiently function as marketing platform nearest to the farm gate.”.

**Insertion of
new section
5A in Guj. 20
of 1964.**

5. In the principal Act, after section 5, the following section shall be inserted, namely:-

**Declaration
of whole State
as one
Unified
Market Area.**

“5A.Subject to the notification made under section 5 and after considering such objections and suggestions as may be

received before the expiry of period as specified in the notification, the State Government may, by notification in the *Official Gazette*, declare the whole State as one unified market area as specified in the said notification for the purposes of regulation of marketing of all or any of the kinds of notified agricultural produce specified in the notification issued under this Act.”.

6. In the principal Act, in section 7, -

(1) in sub-section (1), for clause (ii), the following clauses shall be substituted, namely:-

“(ii) sub-market yards,

(ii-a) market sub-yards, if any, and;”;

(2) in sub-section (3), after the words “sub-market yard” occurring at two places, the words “or market sub-yard” shall be inserted.

7. In the principal Act, after section 7, the following sections shall be inserted, namely:-

**Amendment
of section 7 of
Guj. 20 of
1964.**

**Insertion of
new sections
7A and 7AA
in Guj. 20 of
1964.**

**Declaration of
warehouses,
silos, cold
storage as
market sub-
yard for
notified
agricultural
produce.**

“7A. (1) The Director may by notification in the *Official Gazette*, declare any place in the market area as the principal market yard or sub-market yard or market sub-yard or farmer consumer market yard, as the case may be, managed by a market committee, for the purpose of regulation of marketing of notified agricultural produce, expressly or impliedly in physical, electronic or such other mode under this Act.

Explanation.- In this sub-section the expression “place” shall include any structure, enclosure, open space locality, street including warehouse, silos, pack house, cleaning, grading and packaging and processing unit in the market area.

(2) The Director may by notification in the *Official Gazette*, declare a “place” to be private market yard, private market sub-yard, private farmer-consumer market yard, as the case may be, for marketing of notified agricultural produce, expressly or impliedly in physical, electronic or other such mode under this Act.

Explanation.- In this sub-section the expression “place” shall include any structure, enclosure, open space locality, including warehouse, silos, pack house, cleaning, grading and packaging and processing unit and vested in the person licensed for the purpose under this Act.

(3) The owner of such warehouse, silos, cold storage or such other structure or place, as the case may be, desirous of declaration of such place as market sub-yard under sub-section (2) shall apply to the Director or an officer authorized in this behalf by him (hereinafter referred to as “authorized officer”) in such manner alongwith such fee; for such period which shall not be less than three years, as may be prescribed.

(4) The licensee of such warehouse, silos, cold storage or such other structure or place, may collect market fee on notified agricultural produce and may collect user charge on notified agricultural produce transacted at the market sub-yard declared under sub-section (1) at the *ad valorem rate* not exceeding the rates as notified by the State Government:

Provided that no user charge shall be collected from agriculturists seller.

(5) The Licensee of such market sub- yard shall contribute, of such market fee, user charges collected, to the separate “Development Fund” account maintained by the Board at the rate in percentage at par with market committee. The Fund shall be utilized for the purposes and in the manner as provided *mutatis mutandis* in section 34 O.

Establishment
of “Market
yard of
National
Importance.

7AA. The State Government may designate and notify any existing market yard established under section 7 as a “Market Yard of National Importance” or establish and notify any market as a “Market Yard of National Importance” after consideration of such aspects as total throughput, value, upstream catchment area, downstream number of consumers served and special infrastructure requirements therefor:

Provided that the market yard handling not less than such annual tonnage or such annual value, as may be prescribed, may be considered for conferring the status as the a “Market Yard of National Importance:

Provided further that out of such annual tonnage or such annual value, 30 per cent. may arrive from not less than two other States.”.

- 8.** In the principal Act, in section 10, in sub-section (2),-
- Bom. I of 1904.** (1) for the words and figures “the Bombay General Clauses Act, 1904”, the words and figures “the Gujarat General Clauses Act, 1904” shall be substituted;
- Bom. I of 1904.** (2) the following provisos shall be added, namely:-

**Amendment
of section 10
of Guj. 20 of
1964.**

“Provided that no immovable property the value of which exceeds the prescribed limits shall be acquired or disposed of by the Market Committee without the prior permission of the Director:

Provided further that the Director may, for the reasons to be recorded in writing, revoke such permission before the completion of the acquisition or execution of the deed, as the case maybe:

Provided also that market committee may, with the prior approval of the Director and after obtaining valuation certificate from the officer prescribed, enter into agreement with the owner of any land or building and purchase such land or building.”.

- 9.** In the principal Act, in section 11,-
- (1) in sub-section (1),-
- (a) in clause (i), for the word “eight agriculturists”, the word “ten agriculturists having land as such” shall be substituted;
- (b) in clause (ii), for the words “by the traders holding general licences”, the words, letters and figures “by the commission agents or traders, as the case may be whose licence granted or renewed under section 27 or 27A;” shall be substituted;

**Amendment
of section 11
of Guj. 20 of
1964.**

- (c) in clause (iii), after the proviso, the following proviso shall be inserted, namely:-

“Provided further that for voting as well as for being elected to represent their respective class under clauses (i),(ii)and (iii) above, the person shall be eligible as a voter for only one market committee of the State and also eligible to represent the same market committee and no other market committee of the State in the manner as may be prescribed;”;

- (2) after sub-section (4), the following sub-section shall be inserted, namely:-

“(4A) (a) A Chairman or, as the case may be, a Vice-chairman of a market committee shall, unless he resigns or is removed earlier, be entitled to hold office continuously for not more than two terms.

(b) A person who has held the office of a Chairman or Vice-chairman continuously for two terms, shall be eligible to hold that office after a lapse of a period of not less than two terms after he ceases to hold that office.

Explanation I.—For the purpose of this sub-section, the expression, "term" means a term of two and a half years commencing from the date of the first general meeting of a committee in which a Chairman, or, as the case may be, a Vice-chairman is elected.

Explanation II.—Where any person holding the office of the Chairman or a Vice Chairman of a market committee for a period exceeding two and a half years but not exceeding five years at the commencement of the Gujarat Agricultural Produce Markets (Amendment) Act, 2020 is again elected to that office after such commencement, he shall, for the purpose of this sub-section, be deemed to have held office for one term before such election.”.

Insertion of new sections 11A to 11E in Guj.20 of 1964. **10.** In the principal Act, after section 11, the following sections shall be inserted, namely:-

Establishment of market committee of Market Yard of National Importance. **“11A.** (1) Save as provided under section 11, the State Government may, by notification, in the *Official Gazette*, constitute a separate market committee for effective implementation of provisions of this Act for such market yard located in the State of Gujarat which is considered as the “Market Yard of National Importance (MNI) established under section 7AA.

(2) All provisions for and in relation to the Market Committee, including election of the Chairman, Vice-Chairman and members made in the Act, shall *mutatis mutandis* apply to the market committee constituted for “Market yard of National Importance.”.

(3) Save as provided under section 11, the market committee of Market Yard of National Importance shall consist of –

- (i) a Chairman;
- (ii) a Vice-Chairman;
- (iii) 10 (ten) Agriculturist;

out of which two agriculturists, one each from two other States where from arrivals are received in the MNI, to be nominated by the respective State Government on receipt of request for such nomination received from the State Government where MNI is located;

- (iv) one trader holding the single unified licence, resident of a market area, elected from amongst the licensed traders resident of such market area;
- (v) one trader holding the Inter-State trading licence nominated by the respective State Government;
- (vi) one representative of licensed commission agent as the member in the prescribed manner;
- (vii) the Adviser to the Government of India (Agricultural Marketing) or his nominee not below the rank of Under Secretary to the Government of India ;
- (viii) the Chief Executive Officer or Municipal Commissioner of the city or, as the case may be, the President of the Municipality or his nominee;
- (ix) the Chief Town Planner or the authority exercising such powers or his nominee;
- (x) the Director or his nominee *ex-officio*, not below the rank of Under Secretary to the Government of India;
- (xi) the Managing Director of the Board, *ex-officio*, or his nominee not below the rank of Under Secretary to the Government of India;

- (xii) the Executive Member, to be appointed by the State Government who shall function as the Secretary of the market committee;

**Appointment
and functions
of market
committee of
MNI.**

11B. The Secretary of the market committee shall be appointed by the State Government from amongst the State Civil Service Officers at least with ten years of service or from the panel of professionals so maintained or on deputation from the State Government having experience of ten years in agricultural marketing.

**Executive
Committee
of MNI.**

11C. (1) The Executive Committee for MNI shall consist of-

- (i) the Chairman of MNI;
- (ii) the Vice-Chairman of MNI;
- (iii) a trader holding the single unified licence of MNI;
- (iv) the Director or his nominee, *ex-officio*, not below the rank of Under Secretary to the Government of India;
- (v) the Managing Director of the Board, *ex-officio*, or his nominee not below the rank of the Under Secretary to the Government of India;
- (vi) the Executive Member of the market committee of MNI, who shall act as the Member-Secretary of the Executive Committee.

(2) In case of emergency, the Executive Committee may decide issues requiring approval of the market committee. However, such decision shall be approved by the market committee within forty-five days from the date such decisions are taken. In case the decision is not taken within the said time limit, or in the event of disapproval of such decision by the market committee, such decision shall stand null and void, so however, that any such disapproval shall be without prejudice to the validity of anything previously done under the decision of the Executive Committee:

Provided that if the market committee makes any modification in such decision, the decision shall have effect to the extent of modification from the date of such decision.

(3) The Executive Committee shall meet as often as necessary but at least once in a calendar month.

Term of office of members of Executive Committee of MNI.

11D. The Executive Committee of MNI shall be constituted from time to time as may be prescribed by the State Government.

Provisions of this Act shall applied to market yard of National Importance.

11E. All other provisions of this Act, not specified for “Market yard of National Importance”, also shall *mutatis mutandis* apply to MNI established and notified under section 11A.”.

11. In the principal Act, in section 27,-

(1) in sub-section (1), for the words “trader, general commission agent” the words “general commission agent” shall be substituted;

(2) in sub-section (2), for the words “ brokers, commission agents, or traders”, the words “ brokers or commission agents” shall be substituted.

Amendment of section 27 of Guj.20 of 1964.

12. In the principal Act, after section 27, the following section shall be inserted, namely: -

Insertion of new section 27A in Guj.20 of 1964.

Grant or renewal of unified single licence.

“27A. (1) There shall be a single licence applicable to the whole of the State for the trader to be granted or renewed by the Director or the officer authorised by him in such manner and in such form, as may be prescribed, to operate as trader in any principal market yard, sub-market yard, market sub-yard, private market yard and sub-yard, e-trading platform or any other space identified for the purpose, in the State. The existing trader licences granted by the market committees shall be converted into State wide single trader licence by the Director or the officer authorized by him, within six months from the date of commencement of the Gujarat Agricultural Produce Markets (Amendment) Act, 2020. Until then, the existing trader licences granted by the market committees shall be deemed to have been the State wide single trader licences:

Guj. Of 2020.

Provided that the licence fee shall be payable to the concerned market committee.

Explanation.- Private market yard licensee or other such licensee or its management committee may, register the unified single trading licence holder whose licence has been granted by the Director or the officer authorized by him, to allow to operate in such market yards.

(2) Any person who desires to obtain or renew the licence under sub-section (1) shall apply to the Director or the officer authorised by him for grant or renewal of the licence, as the case may be, in such form and in such manner as may be prescribed;

(3) The Licence may be granted under sub-section (1) in such form, for such periods, on such terms and conditions and restrictions as may be prescribed and on payment of fees determined by the market committee within such maxima as may be prescribed.

(4) An application under sub-section (2) for grant or renewal of licence may be rejected for the reasons as may be prescribed and recorded in writing by the Director or the Officer authorised by him.

(5) The Director or the authorised officer may, after such inquiry as he deems fit to make and after giving, in the prescribed manner, the licensee a reasonable opportunity of being heard, suspend or cancel a licence issued under this section on any of the following grounds,-

- (a) that, the licence has been obtained through wilful misrepresentation or fraud;
- (b) that, the licensee himself or in collusion with other licensee commits any act or obtains from carrying on his normal business in the market with an intention to wilfully obstruct, suspend or stop the marketing of notified agricultural produce in any type of market and in consequence where of, the marketing of notified agricultural produce has been obstructed, suspended or stopped;
- (c) that, the licensee is found to have contravened any of the provisions of this Act or the rules or bye-laws;

- (d) that, the licensee has been convicted of an offence punishable under this Act or rules or bye-laws ;
- (e) that, the licensee has become insolvent;
- (f) that, the licensee incurs any disqualification on grounds as may be prescribed.

(6) The holder of such licence shall, whose licence has been suspended or cancelled under this section shall forthwith produce the same to the Director or the authorised officer in this behalf for making endorsement in the prescribed manner; and he shall not be entitled to any claim on account of such suspension or cancellation any compensation or for the refund of the whole or any part of the licence fee.

(7) Any person aggrieved by an order refusing to grant or renew a licence or suspending or cancelling any licence may, appeal within thirty days from the date of communication of the order to him in the prescribed manner, to the State Government, if such order has been made by the Director or to the Director, if such order has been made by the Officer authorised by him.

(8) The State Government or as the case may be, the Director after giving the appellant a reasonable opportunity of being heard, shall on such appeal make such order as it deem just and proper.

(9) Notwithstanding anything contained in sub-section (1), a licence holder shall be eligible as a voter for only one market committee of the State and shall eligible to represent the same market committee and no other market committee of the State in the manner as may be prescribed.”.

**Amendment
of section 28
of Guj. 20 of
1964.**

13. In the principal Act, in section 28,-

(1) in sub-section (1), for the words “the agricultural produce bought or sold in the market area”, the words “the agricultural produce bought or sold in the principal market yard, sub-market yard or market sub-yard either brought from outside the State or from within the State” shall be substituted;

(2) in sub-section (2), for the proviso to clause (b), the following proviso shall be substituted, namely:-

“Provided that in case any agricultural produce is found to have been processed, sold or resold or dispatched outside the principal market yard, sub-market yard or market sub-yard without payment of market fee, or user charges payable under clause (ii) of sub-section (3) of this section, on such produce, the market fee or user charges shall be levied and recovered two times of such leviable and recoverable amount.”;

(3) for the words “market area” wherever they occur, the words “the principal market yard, sub-market yard or market sub-yard” shall be substituted.

Insertion of new section 28AA in Guj. 20 of **14.** In the principal Act, after section 28, the following section shall be inserted, namely:-

Levy of entrance fee on vehicles. **“28AA.** The market committee may levy and collect entrance fee on vehicles which may enter into market yard at such rate as may be specified in bye-laws:

Provided that no such fee shall be levied and collected from agriculturist-seller.”.

Insertion of new section 28B in Guj. 20 of 1964. **15.** In the principal Act, after section 28A, the following section shall be inserted, namely:-

Power to write off irrecoverable fees, etc. **“28B.** The market committee may write off any fee, user charges or the amount whatsoever due to it, whether under a contract or otherwise, or any amount payable in addition therewith if in its opinion such a fee, user charge or an amount is irrecoverable:

Provided that the market committee shall, before writing off any such fee, user charges or the amount, obtain the previous sanction of the Director, if the fee or amount exceeds rupees one lakh.”.

16. In the principal Act, after section 30, the following sections shall be inserted, namely:-

Power to remove encroachment in market yard. **“30A.** An officer or employee of a market committee duly empowered by the State Government in this behalf shall have power to remove any encroachment in the areas of the principal market yard and sub-market yard and the expenses of such removal

Insertion of new sections 30A and 30B in Guj. 20 of 1964.

shall liable to be paid by the person who has caused the said encroachment and the same shall be recovered in the same manner as an arrear of land revenue.

Use of
weighing
instruments,
weight and
measure,
their
inspection.

30B.(1) The manual or electronic weighing instruments which complies the requirements of such weights and measures as are prescribed by the prevailing Act or the rules made thereunder shall be used for weighing or measuring agricultural produce as required, in the principal market yard, sub-market yard, market sub- yard, private market yard and farmer – consumer market yard:

Provided that in transactions of sale and purchase of agricultural produce, electronic balance may preferably be used.

(2) The Weighing instruments, weights and measures kept by the market committee under this section may from time to time be inspected, examined and checked by the Director or the Managing Director or the authorized officer.”.

17. In the principal Act, after section 31R, the following Chapters and sections shall be inserted, namely:-

**Insertion of
new Chapters
IVAA and
IVAAA in
Guj. 20 of
1964.**

**“CHAPTER-IVAA
E-TRADING**

**Establishment
and
promotion
of electronic
trading
platform.**

31S.(1) No person shall establish and run any electronic trading platform for trading in notified agricultural produce without obtaining a licence under section 31T.

(2) Save as provided in sub-section (1), the State Government or its agency may, however, establish and run e-trading platform for trading in notified agricultural produce in the manner as may be prescribed.

**Grant and
Renewal of
licence to
establish
electronic
trading
platform.**

31T.(1) Any person desirous of establishing an e-trading platform under section 31S, shall apply for grant of licence to the Director in such form and such manner along with such fee; and security or bank guarantee and subject to fulfilling such terms and conditions, as may be prescribed.

(2) The application received under sub-section (1) for grant or renewal of license may be granted or rejected for reasons to be recorded in writing:

Provided that the application received under this section may be liable to be rejected for any of the reasons *mutatis mutandis* to the reasons specified in section 31F.

(3) The e-trading platform managed and operated by a person or the State Government or its agency, as the case may be, may provide all infrastructures and services connected with e-trading, in the prescribed manner.

(4) The licensee or its management committee, may collect market fee for notified agricultural produce or user charges for those items of the agricultural produce which are not specified in the notification published under sub-section (1) of section 5 not exceeding the rates as may be prescribed by the State Government on transaction of sale on the e-trading platform:

Provided that no user charge shall be collected from agriculturist-seller.

(5) The licensee of e-trading platform shall contribute of such market fee or of such user charge collection, to the separate “Development Fund” maintained by the Board at the rate in percentage at par with market committee. The Fund shall be utilised for the purposes of development of common marketing infrastructure, skill development, training, research and pledge financing and such other activities as will aid in creating efficient marketing system in the State.

Integration of warehouses, silos, cold storages or such other structure or place, declared as market sub-yard to e-platform.

31U. A licence holder under section 7A for market sub-yard, desirous to link to e-platform of the Government of India, may apply, through the State Government or its agency, to the Government of India, Department of Agriculture, Co-operation and Farmers’ Welfare, in such form, along with such fee and in such manner, as may be prescribed by the Central Government.

Integration of private market.

31V. A licensee of private market yard desirous of integrating with e-trading portal, may apply through the State Government or its agency to the Central Government in such manner as may be prescribed by the Central Government.

Inter-operability of e-trading platforms.

31W. In order to evolve a unified National Agricultural Market and integrate various e-platforms, the applications in the e-platform shall be inter-operable as per specifications and standards laid down by the Director subject to the directions of the Central Government.

Payment to sellers and maintenance of accounts.

31X.(1) Notwithstanding anything contained in this Act, the payment of notified agricultural produce traded on e-platform shall be made in the same day of the sale transaction to the seller or in the maximum next day, if procedurally so required. In procedural exigencies on electronic trading, the payment to the seller may be made in such manner, as may be prescribed.

(2) The licensee or the market committee, as the case may be, shall maintain proper accounts of all the transactions taken place on electronic platform (e-platform) and submit such periodical reports and returns to the Managing Director or the authorized officer, at such time and in such forms, as may be prescribed by the Director, from time to time.

**Suspension
or
cancellation
of licence of
electronic
trading
platform.**

31Y.(1)The Director may, for the reasons to be recorded in writing suspend or cancel the licence granted under section 31T, if-

- (a) the licence has been obtained through wilful misrepresentation or fraud; or
- (b) the holder of licence or his representative or anyone acting on his behalf with his expressed or implied permission, commits a breach of any of the rules, regulations and terms or conditions of licence; or
- (c) the holder of licence himself or in combination with other licence holder commits any act or abstains from carrying on his normal business in the market area with the intention of wilfully obstructing, suspending or stopping the marketing of notified agricultural produce; or
- (d) the holder of the licence has become insolvent; or
- (e) the holder of the licence incurs any disqualification, as may be prescribed; or
- (f) the holder of the licence is convicted of any offence punishable under this Act.

(2) No licence shall be suspended or cancelled under this section without giving a reasonable opportunity of being heard to its holder.

**Redressal
of
Disputes
settlement.**

31Z.Any dispute arising between licensees of e-trading platforms, under section 31T or between the licensees and market committee or the State agency shall be referred to the Director or the authorized officer, and the Director or the authorized officer shall

in summary manner within thirty days, after giving the parties a reasonable opportunity of being heard resolve the dispute and the decision of the Director or the authorized officer shall be final.

Dispute
settlement
with regard
to Inter-
State trade
transactions.

31ZA. In case of any dispute arising out of inter-State trade transaction on e-platform or any other platform, the State Government may become part of such Authority, which may be constituted by the Central Government.

CHAPTER-IVAAA REGULATION OF TRADING

Sale-
transaction of
notified
agricultural
produce.

31ZB. (1) All notified agricultural produce shall ordinarily be sold in the principal market yards, sub-market yards and market sub-yards, private market yards or at the electronic trading platforms licenced under this Act:

Provided that the notified agricultural produce may be sold at other places also to a licence holder especially permitted by a market committee in this behalf under this Act.

(2) The market committee shall not regulate marketing of notified agricultural produce in its market area. The market committee shall enforce regulation on marketing of notified agricultural produce within the principal market yard, sub-market yard and market sub-yard and not outside the principal market yard, sub-market yard and market sub-yard.

(3) In relation to agricultural produce, nothing in the sub-section (1) shall apply to the following sale and purchase where –

(i) sale is made by the producer himself to any person for his domestic consumption in quantity up to such limits as may be prescribed;

(ii) brought for sale by head load;

(iii) purchase and sale is made by a petty trader;

(iv) purchase is made by an authorised fair price shop dealer from the Food Corporation of India, (FCI) “the State Civil Supplies Corporation” or any other agency or institution authorized by the Central or the State Government for distribution of essential commodities through the public distribution system; and

(v) the transfer of such agricultural produce to a co-operative society for the purpose of securing an advance therefrom.

(4) The price of the notified agricultural produce, brought for sale in the principal market yards, sub-market yards , private market yards, market sub-yards, electronic trading platform shall be settled by tender bid or open auction including e-auction and no deduction shall be made from the agreed price on any account whatsoever from the seller.

(5) Weighment or measurement or counting of all the notified agricultural produce so purchased shall be done by such person and in such manner as provided in the bye-laws or, at any other place specified for the purpose by the market committee.

**Terms and
conditions
and
procedure
of buying
and selling.**

31ZC. (1) Except in the commercial transaction between two traders, any other person who buys notified agricultural produce in the principal market yards, sub-market yards and market sub-yards, shall execute an agreement (*kabala*) in triplicate in such form, as may be prescribed. One copy of the agreement (*kabala*) shall be kept by the buyer, one copy shall be supplied to the seller and the remaining copy shall be kept in the record of market committee or as the case may be the managing body.

(2) The price of the notified agricultural produce transacted in the principal market yards, sub-market yards, private market yards, market sub-yards or at e-platforms shall be paid on the same day to the seller or in the maximum next day if procedurally so required.

Payment on notified agricultural produce shall also be made to agriculturist-seller, licensee of the direct marketing, if sold on the same day there itself.

(3) The Commission agent shall recover his commission from his principal trader at the rate not exceeding two percent *ad valorem* on transaction of non- perishable agricultural produce; while in case of perishable agricultural produce, it shall not exceed four percent *ad-valorem* on transaction of agricultural produce, including all expenses as may be incurred by him in storage of the agricultural produce and other services rendered by him:

Provided that no commission shall be collected from the farmer-seller.

Recognition
of unified
single
trading
licence
granted/
renewed by
other States.

31ZD.(1) Notwithstanding anything contained in this Act, the State Government may allow the holder of unified single trading license bearing unicode, issued by any other State or Union Territory to undertake trade transaction within its geographical jurisdiction on e-platform or any other format including physical that may be in operation, as a trader, in the manner as may be prescribed.

(2) Such licensee shall be liable to pay the market fee and other marketing charges at the rate applicable in the State of Gujarat for the transactions of trade taken place in the State of Gujarat in the manner as may be prescribed.

(3) In case of contravention of any of the provisions of this Act or the rules or bye-laws or any direction, the Director or the Managing Director or market committee, as the case may be, shall, after giving an opportunity to be heard, prohibit such licensee for trading purpose only within their respective jurisdiction, where a contravention has occurred, for a certain period or forever based on the gravity of breach or violation of provisions of this Act or the rules or the bye-laws or directions.

(4) The Director or the Managing Director or market committee of the respective jurisdiction, wherein the contravention has occurred, may simultaneously submit a proposal containing details of the type and nature of contravention with evidence, to the concerned authority of the licence issuing State for taking further appropriate action against the licensee.”.

Amendment
of section
34M of
Guj. 20 of
1964.

18. In the principal Act, for section 34M, the following section shall be substituted, namely:-

Contribution
to be paid to
Board.

“**34M.**(1) Every market committee shall pay to the Board as contribution an amount equal to such percentage of its income not exceeding two per cent. of its income derived from licence fee and market fee as may be prescribed from time to time by the State Government.

(2) Every licensee of private market yard, private market sub-yard, e-trading platform and direct marketing purchaser shall contribute of its income derived from licence fee and market fee at such rate not exceeding two per cent, in the manner as may be prescribed, to the “Development Fund” maintained by the Board. Out of the said contribution eighty per cent. shall be given to the concerned local market committee and twenty per cent. shall be retained by the Board as the Development Fund.

(3) The State Government may, every year, make payment to the Board, by way of contribution or grants of an amount not less than five percent. of the aggregate amount contributed to the Board by the market committees under this section.

(4) The Board may utilize the Development Fund for all or any of the purposes mentioned in section 34-O including development of common marketing infrastructure, skill development, training, research and pledge financing and for such other activities as would aid in creating an efficient marketing system in the State.”.

Insertion of
new section
42A in
Guj.20 of
1964.

19. In the principal Act, after section 42, the following section shall be inserted, namely:-

Bar of
jurisdiction
of civil
courts.

“42A.(1) No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with in accordance with the provisions of this Act.

(2) No court shall take cognizance of an offence under this Chapter, except upon a complaint made by the Director or the Managing Director or by any other officer authorized by him in this behalf.”.

20. In the principal Act, after section 43, the following section shall be inserted, namely:-

Insertion of
new section
43A in Guj.
20 of 1964.

Compounding
of offences.

“43A. (1) The market committee may accept a sum of money as decided by it from any person who has contravened any of the provisions of this Act, the rules or the bye-laws, made thereunder by way of compounding of such offence where the offence consists of the failure to payor the evasion of any fee, user charge, or other amount leviable and recoverable under this Act, the rules or the bye- laws in addition to the fee, user charge or other amount so leviable and recoverable, a sum of money not less than the amount of the fee or other amount and not more than two times the amount of fee or other amount.

(2) On compounding of any offence under sub- section (1), no proceedings shall be taken or continued against the person concerned in respect of such an offence, and if any proceedings in respect of that offence have already been instituted against him in any court, the compounding shall have effect of dropping of charges against him.”.

21. In the principal Act, in section 47, after sub-section (2), the following sub-sections shall be added, namely:-

Amendment
of section 47
of Guj. 20 of
1964.

“(3) Where the Director is satisfied that the books of accounts and records of a market committee are likely to be suppressed, tampered with or destroyed, or the funds and property of a market committee are likely to be misappropriated or misapplied, the Director may, by an order, direct for seizure and taking possession of the books of accounts, records and property of the market committee.

(4) On receipt of the order under sub-section (3), the police officer not below the rank of Sub-Inspector of the local area shall enter and search any place where the records and property are kept or are likely to be kept and to seize them and hand over possession thereof to the Director or the person authorised by him, as the case may be.”.

Insertion
of new
section
49A in
Guj. 20 of
1964.

22. In the principal Act, after section 49, the following section shall be inserted, namely:-

Power to borrow. “**49A.** (1) The market committee may, with the previous sanction of the Director, raise money from banks, Government approved financial institutions, required for carrying out the purposes for which it is established on the security of any property vested in it and of any fees or user charge leviable by it under this Act.

(2) The market committee may, for the purpose of meeting the initial expenditure on lands, buildings, staff and equipments required for establishing the market, obtain a loan from the State Government or the Board or other approved financial institution.

(3) The terms and conditions subject to which money or loan shall be raised or obtained under sub-section (1) or (2) and the time limit within which the same shall be repayable shall be subject to the previous sanction of the Director.”.

- 23.** In the principal Act, in section 58, in sub-section (1), -
- (i) after the words “against a market committee”, the words “or the Director or the Managing Director or the officer of the State Government” shall be inserted;
- (ii) after the words “and in case of”, the words “the Director or the Managing Director or the officer of the State Government or” shall be inserted.
- 24.** In the principal Act, after section 58, the following sections shall be inserted, namely:-
- Power to remove difficulties in giving effect to provisions of Guj. of 2020.**
- “58A.** (1) If any difficulty arises in giving effect to the provisions of the Gujarat Agricultural Produce Markets (Amendment) Act, 2020, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of the said amending Act, as appears to it to be necessary or expedient for removing the difficulty:
- Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of the said amending Act.
- (2) Every order made under this section shall, as soon as may be, after it is made, be laid before the State Legislature.
- Validation of certain notifications, orders, etc.**
- 58B.** Any notification or order issued under the principal Act and the rules made thereunder, immediately before the commencement of the Gujarat Agricultural Produce Marketing (Amendment) Act, 2020 shall be deemed to be validly issued under the relevant corresponding provisions of this Act as amended by the said amending Act.”.
- 25.** In the principal Act, in section 59, in sub-section (2), before clause (i), the following clauses shall be inserted, namely:-

Amendment
of section 58
of Guj. 20
of 1964.

Insertion of new
sections 58A
and 58B in
Guj. 20 of 1964.

Guj. of
2020.

Guj. of
2020.

Amendment
of section 59
of Guj. 20
of 1964.

- “(ia) the form, manner and fee for application by the owner of warehouse, cold storage or such other structure or place for declaration such place as market sub-yard under section 7A;
- (iaa) the value of immovable property exceeding which the market committee cannot acquire or dispose of it without the prior permission of the Director under section 10;
- (iab) the manner of electing the representative of licensed commission agent under clause (vi) of sub-section (3) of section 11A;
- (iac) the manner of establishing and running e-trading platform for trading in notified agricultural produce under sub-section (2) of section 31S;
- (iad) the form, the manner, the fee, the security or bank guarantee for granting or renewing licence to establish e-trading platform on such terms and conditions under sub-section (1) of section 31T;
- (iae) the infrastructures and the services and the manner for providing it under sub-section (3) of section 31T;
- (iaf) the manner of payment to the seller of notified agricultural produce traded on e-platform under sub-section (1) of section 31X;
- (iag) the time, manner and forms in which the licensee or the market committee shall maintain accounts and submit it to the Director or the authorised officer under sub-section (2) of section 31X;
- (iah) the disqualifications that may be incurred by the holder of the licence that may be reason to suspend or cancel the licence under clause (e) of sub-section (1) of section 31Y;

- (iai) the limit of quantity up to which the notified agricultural produce could be sold or purchased out of the principal market yards, sub-market yards and market sub-yards private markets yards or at the e-trading platforms under clause (i) of sub-section (2) of section 31ZB;
- (iaj) the form of agreement to be executed under sub-section (1) of section 31 ZC;
- (iak) the manner to allow the holder of unified single trading licence to undertake trade transaction under section 31ZD;
- (ial) the market fee and other marketing charges payable by the licensee under section 31ZD;
- (iam) the manner of contribution to the Development Fund under section 34M;”.

**Guj. Ord.
3 of 2020.**

26. (1) The Gujarat Agricultural Produce Markets (Amendment) Ordinance, 2020 is hereby repealed.

**Repeal
and
saving.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Agricultural Produce Markets Act, 1963 has been amended from time to time in the State of Gujarat with a view to keeping in mind the central idea of the welfare of farmers as well as traders. Modern trading and marketing practices have been changed a lot with the great advantages by way of electronic virtual market and a big improvement in logistic and infrastructural facilities. The Government of India had constituted a Committee in 2016 to examine and address the entire segment of post-production activities and to recommend a Model Act. The main idea behind this is to create a conducive environment for healing competition, by enabling multiple channels of marketing without letting anyone including Government led APMC to hold sway as a monopoly. With this the farmer-producer will come to be unchained to carry his produce to any market and sell to whoever offers him a better price. The model Act prepared and has been forwarded to all the State and UT. The Central Government has recommended to make all the States and UTs to adopt necessary changes to suit the local variations while all the time, ensuring that the spirit of competition is encouraged and the principle of “Farmer first” is kept in mind.

In the State of Gujarat, prior to the Gujarat Agricultural Produce Markets Act, 1963, the Bombay Agricultural Produce Markets Act 1939 and the Saurashtra Agricultural Produce Markets Act 1955 were in force. So the State of Gujarat always remains front runner in this sphere of farmer welfare legislation. Gujarat has updated its APMC Act 1963 not less than 11 times by way of amendments so as to keep space with modern requirement of co-operative marketing and for promotion and facilitating the farmers friendly environment.

In view of the suggested model draft Act by the expert committee of the Government of India, some amendments are made in the Gujarat Agricultural Produce Markets Act 1963.

As the Legislative Assembly of the State of Gujarat was not in session, at that time, the Gujarat Agricultural Produce Markets (Amendment) Ordinance, 2020 was promulgated to achieve the aforesaid objects.

This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

The following notes on clauses explain, in brief, some of the important provisions of the Bill:-

Clause 1 :- This clause provides for short title and commencement of the amending Act.

Clause 2 :- This clause amends the short title of the existing Gujarat Agricultural Produce Markets Act, 1963.

Clause 3:- This clause defines certain terms used in the Bill.

Clause 4:- This clause provides for bringing rural periodical markets or *haats* under the regulation of this Act in the manner as provided therein.

Clause 5:- This clause proposes to insert a new section 5A in the Act, which empowers State Government to declare by notification, the whole State as one unified market area.

Clause 7:-(a) This clause proposes to insert a new sections 7A and 7AA in the Act which provides for establishment of market area as the principal market yard or sub-market yard or market sub-yard or farmer- consumer market yard by the State Government, by declaring any 'place' such as any structure, enclosure, open space locality, street including warehouse, silos, pack house, cleaning, grading and packaging and processing unit in the market area managed by a market committee, by issuing the notification in the *Official Gazette*, for the purpose of regulation of marketing or notified agricultural produce; as also a private market yard, private market sub-yard, private farmer consumer market yard.

(b) It also provides for the manner of making application for declaring of the places as market sub-yards to the Director, levy of user charge and contribution payable by the licensee to the 'Development Fund';

(c) New section 7AA also provides for establishment of any existing market yard established under section 7 as “Market Yard of National Importance” or establish and notify any market as “Market Yard of National Importance” in the manner as specified therein and after the consideration of aspects such as total throughput, value, up stream catchment area, down-stream number of consumers served and special infrastructure requirements therefor.

Clause 8:- This clause proposed to insert a proviso to section 10 of the Act whereby it is proposed that no immovable property, the value of which exceeds the prescribed limit shall be acquired or disposed of by the market committee without the prior permission of the Director; it also provides for purchase of any land or building and entering into an agreement with the owner of such land or building.

Clause 9:- This clause proposes to amend section 11 of the Act, by which the representation of the agriculturist which is at present ‘eight’ is proposed to increase to ‘ten’ members in the market committee. It also provides that no elected person shall be a Chairman or a Vice chairman of the market committee continuously for more than two terms.

Clause 10:-(a) It is proposed to insert a new section 11A by this clause which provides for constitution of a separate market committee for such market yard located in the State which may be considered as a ‘Market Yard of National Importance (MNI)’ by the State Government by notification in the *Official Gazette*. It also provides that the provisions of the election the Chairman, Vice-chairman and members of market committee as are in force shall also be applied in constitution of a separate market committee for MNI;

(b) The new sections 11B, 11C, 11D and 11E, respectively provides for appointment and functions of the market committee, constitution of Executive Committee of MNI and the term of its members. It also provides that all other provisions of the existing Act shall apply to the market committee of MNI.

Clause 12:-This clause proposes to insert new section 27A of the Act, which provides for grant, renewal, suspension or cancellation of unified single licence.

Clause 13:- This clause proposes to amend the provision of section 28 to the effect that in case any agriculture produce is sold or dispatched outside the market area without payment of market fee payable, or for the evasion of any fee, user charges or other amount recoverable under this Act or the rules or bye-laws, in addition to the fee, user charges or other amount so recoverable, a sum of money not less than the amount of the fee or other amount so recoverable and not more than two times the amount of fee or other amount so recoverable shall be levied and recoverable.

Clause 14.—New section 28AA proposed to be inserted by this clause provides for levy and collect entrance fee on vehicles entering into market yard at the rate prescribed by bye-laws but no such fee shall be levied from agricultural seller.

Clause 15.—New section 28B proposed to be inserted by this clause provides that the market committee may write off any fee, user charges or other amount due to it, under a contract or otherwise, or any amount payable in addition therewith if in its opinion such an amount is irrecoverable by it. The previous sanction of the Director would be required, if the amount exceeds rupees one lakh

Clause 16.—(a) New section 30A proposed to be inserted by this clause provides for removing any encroachment in the principal and sub- market yard and recover the expenses incurred for such removal from the concerned person as an arrear of land revenue by the any officer or employee authorized by the State Government.

(b) New section 30B provides for use of weighing instruments, in the weighing or measuring agricultural produce in the principal market yard, sub-market yard, market sub-yard, private market yard and farmer–consumer market yard and inspection examination and checking by the Director or the Managing Director or the authorized officer.

Clause 17.- This clause proposes to insert new ‘Chapter IVAA’ relating to e-trading and ‘Chapter IVAAA’ relating to regulation of trading. The provisions of the new Chapters, in brief, are as under:

- (i) New section 31 S provides that no person shall establish and run the electric trading platform (e-trading platform) for notified agricultural produce without obtaining a licence under section 31 T;
- (ii) New section 31 T provides for manner of grant and renewal of licence for e-trading platform under section 31 S;
- (iii) New section 31 U provides for the manner of integration of warehouses, silos, cold storages or such other structure or place as market sub-yard to e-platform;
- (iv) New section 31 V provides for manner of integration of licensee of private market yard with e-trading portal;
- (v) New section 31 W provides for the manner for inter-operability of unified National Agricultural Market with various e-platforms, applications in the e-platform as per specifications and standards laid down by the Director subject to the directions of the Central Government;
- (vi) New section 31 X provides for the manner of making payment of the notified agricultural produce trading on the e-platforms, to sellers and maintenance of proper accounts all transactions thereof;
- (vii) New Section 31 Z provides for the power of the Director or the authorized officer for redresses of disputes in summary manner between a licensee of e-trading platform or between the licensee and market committee or the State agency.
- (viii) New Section 31 ZA provides for settlement of disputes with regard to inter-State trade transactions for which the Central Government shall constitute the authority; and the State Government may become a part of the said authority;

(ix) New Section 31 ZB provides for regulation of sale-transaction of notified agricultural produce in the principal market, sub-market yards and market sub-yards, private markets yards or e-trading platforms ;and manner of settlement of tender bid as also shall prices of the notified agricultural produces;

(x) New Section 31 ZC provides for terms and conditions and procedure of buying and selling in commercial transactions between two traders and the manner of execution of agreement for the purpose and mode of payment of the notified agricultural produce. It also provides for recovery of commission by the commission agent at the prescribed rate ad-valorem on perishable and non-perishable agricultural produce;

(xi) New section 31 ZD provides for the recognition of unified single trading license granted by other States/UT to undertake trade transactions within the State on e-platform and physical transactions in the prescribed manner; and payment of market fee and other marketing charges at the applicable rates, in the prescribed manner. It also provides for prohibiting such licensee from trading for the reasons of contraventions of the provisions of the Act or the rules or bye-laws or any directions issued in this behalf.”.

Clause 18.- It is proposed to amend section 34M relating to special market and special commodity market provides for,-

(a) payment by every market committee, as contribution of its income derive from licence fee and market fee at the prescribed rate by the State Government, to the Board; and

(b) payment by every licensee of private market yard, private market sub-yard, e-trading platform and direct marketing purchaser every licensee of private market yard, private market sub-yard, e-trading platform and direct marketing purchaser as contribution of its income derived from licence fee and market fee at the prescribed at rate by the State Government in the prescribed manner to “Development Fund” maintained by the Board;

(c) utilization of the fund by the Board for development of common marketing infrastructure, skill development, training, research and pledge financing and for such other activities.

Clause 19.- Section 42A proposed to be inserted by this clause provides for bar of jurisdiction of civil courts.

Clause 20.- It is proposed to insert a new section 43A which provides for compounding of offences by the markets committee relating to payment of fees, evasion of fees, user charges and such other amount recoverable by it in the manner stated therein.

Clause 21.- Sub-section (3) and (4) proposed to be inserted in section 47 by this clause provides that the Director shall have power to seize and take possession of books of accounts of a market committee where he is satisfied that it is likely to be suppressed, tampered or destroyed the books of accounts or records of committee. It also empowers the police officer to enter and search and seize the records and books of accounts.

Clause 22.- New section 49A proposed to be inserted in the said Act by this clause provides for raising money from banks, Government approved financial institutions for carrying out the purposes for which it is established or for the purpose of meeting the initial expenditure on lands, buildings, staff and equipments required for establishing the market, subject to the previous sanction and such terms and conditions as may be sanctioned by the Director.

Clause 23.- It is proposed to amend section 58 so as to include the Director or the Managing Director for giving notice before any suit or proceedings are instituted for anything done or purporting to be done in good faith under this Act.

Clause 24.- New section 58A proposed to be inserted by this clause empowers the State Government to remove any difficulty within a period of two years of commencement of the amending Act, that may arise in giving effect to the provisions of this Act.

Clause 25 .- It is proposed to amend section 59 so as to empower the State Government to make rules for the matters specified therein.

ISHWARSINH PATEL,

FINANCIAL MEMORANDUM

Sub-section (1) and sub-section (2) of section 31S proposed to be inserted in the Act by clause 17 of the Bill provide that the State Government or its agency may establish and run e-trading platform for e-trading in notified agricultural produce and also for providing all infrastructures and services connected with e-trading. The Bill, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of the State.

On account of the proposed amendment some financial liability of the State Government will arise if State Government has to establish and run e-trading platform. At present, there is no proposal under consideration with the State Government to establish any e-trading platform. Estimated cost of establishing e-trading platform, providing infrastructure and services can be calculated as and when only it is to be established. Therefore, at present, it is not possible to assess an estimate of recurring or non-recurring expenditure from the Consolidated Fund of the State.

ISHWARSINH PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respect:-

Clause 3.- clause (xv-ad) proposed to be inserted in section 2 of the Act by sub-clause (15) of this clause empowers the Director to notify quantity not exceeding such quantity for which agricultural produce may be traded by non-licensee trader.

Clause 5.-New Section 5A proposed to be inserted by this clause empowers the State Government by notification in the *Official Gazette* to declare whole State as one 'Unified Market Area' for the purposes of marketing of all or any agricultural produce as specified in the notification.

Clause 7.- (i) Sub-section (1) of new section 7A proposed to be inserted by this clause empowers the Director to declare in the manner a warehouse, silos, cold storage and such other structure of place with infrastructure and facilities as market sub-yard;

(ii) sub-section (3) of new section 7A proposed to be inserted by this clause empowers the Director to prescribe by rules, the form, fee and manner for making application by the owner of warehouse, cold storage or other structure, to declare it as sub-market yard;

(iii) New section 7AA proposed to be inserted by this clause empowers the State Government to designate and notify any existing market yard established under section 7 as 'Market Yard of National Importance' or establish and notify any market as such after considering the aspects as specified in it in the manner prescribed for this purpose in the rules.

Clause 8.-The first and third provisos proposed to be inserted in sub-section (2) of section 10 by this clause empowers the State Government to prescribe the limits of the value of movable property exceeding which prior permission of the Director shall be required for acquiring or disposing it. It also empowers the State Government to prescribe the officer for valuation certificate.

Clause 10.-(i) Sub-section (1) of new section 11A proposed to be inserted by this clause empowers the State Government by notification in the *Official Gazette* to constitute a separate market committee for the market yard located in the State as the 'Market Yard of National Importance (MNI);

(ii) clause (iv) of sub-section (3), of section 11A empowers the State Government to prescribe the qualifications of trader for being elected in market committee;

(iii) clauses (v) and (vi) of sub-sections (3), of section 11A empowers the State Government to prescribe the manner of electing member of the market committee;

(i) section 11D proposed to be inserted by this clause empowers the State Government to prescribe by rules for the term of office of the members of the executive committee.

Clause 12.-(i) Sub-section (2) of section 27A proposed to be inserted by this clause empowers the State Government to prescribe the forms, time, period and terms and conditions for grant or renewal of unified single licence under that section. The maximum fee for the same shall be determined by the market committee;

(ii) sub-section (4) of section 27A empowers the State Government to prescribe the manner in which endorsement on cancellation of licence shall be made;

(iii) sub-section (5) of section 27A empowers the State Government to prescribe the manner in which appeal shall be made to the State Government;

(iv) sub-section (9) of section 27A empowers the State Government to prescribe by rules, the manner in which a licence holder shall be eligible as a voter for only one market committee of the State and shall eligible to represent the same market committee.

Clause 17.- The following new sections proposed to be inserted by this clause empowers the State Government or the Director as under:

(i) Section 31 S empowers the State Government to prescribe the manner in which establishment and running of e-trading platform in notified agricultural produce can be done;

(ii) (a) sub-section (1) of section 31T empowers the State Government to prescribe the form, manner and fee; and security guarantee or bank guarantee and other terms and conditions for establishment of an e-trading platform and making application for grant or renewal of licence to the Director;

(b) sub-section (3) of section 31T empowers the Director to prescribe the manner in which all infrastructure and services connected with e-trading shall be provided;

(iii) (a) sub-section (1) of section 31X empowers the State Government to prescribe by the rules for making payment on e-trading transaction on notified agricultural produce;

(b) sub-section (2) of section 31Y empowers the Director to prescribe the form in which the accounts of transactions taken place in e-trading platform shall be maintained and the time limit within which periodical returns and reports shall be submitted to the Managing Director or the authorised officer;

(iv) clause (e) of sub-section (1) of section 31Y empowers the State Government to prescribe the disqualifications for which the licence granted under section 31T may be suspended or cancelled;

(v) clause (i) of sub-section (2) of section 31ZB empowers the State Government to prescribe the limit of quantity up to which sell can made by the producer to any person for his domestic consumption;

(vi) section 31ZC empowers the State Government to prescribe by the rules, the form of agreement to be executed by the traders;

(vi) (a) sub-section(1) of new section 31ZD empowers the State Government to prescribe the manner in which the holder of unified single trading licence can undertake trade transactions on e-trading platform and physical operation;

(b) sub-section (2) of new section 31ZD empowers the State Government to prescribe the manner and the rates of payment of market fee and other marketing charges for transactions taken place by unified single trading licence.

Clause 18.- Section 34M proposed to be substituted by this clause empowers the State Government to prescribe the rules and the manner for making payment from the income derived from licence fee and market fee by every market committee in the 'Development Fund' at the rate not exceeding of two per cent. of its income as may be prescribed;

Clause 24.- New section 58A proposed to be inserted by this clause empowers the State Government for removing any difficulty which may arise in giving effect to the provisions of the Gujarat Agricultural Produce Markets (Amendment) Act, 2020 by order publishing in the *Official Gazette*.

The delegation of legislative powers as aforesaid is necessary and is of normal character.

Dated the 22nd September, 2020.

ISHWARSINH PATEL,

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 23rd September, 2020.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs
Department.
